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FAX TRANSMITTAL COVERSHEET

TO: Clerk of Court – St. Martin Parish

FAX NUMBER: 394-2240

FROM: Jerome H. Moroux

B & D FILE: John Breaux v Sentry Select et al

DATE: 11/16/2021

FILE

NUMBER OF PAGES TRANSMITTED, INCLUDING THIS PAGE: 18

If there are any problems in receiving this fax, please contact Janey at 337-233-2323.

COMMENTS:

Please see attached new civil to be filed. Please fax confirmation of receipt to 337-233-2353 and include the amount of funds to send to file/serve.

thank you.

THIS FACSIMILE COMMUNICATION IS INTENDED ONLY FOR THE RECIPIENT NAMED ABOVE. UNLESS YOU ARE THAT PERSON OR ARE AUTHORIZED TO ACT FOR THAT PERSON, BE ADVISED THAT YOUR READING, DISTRIBUTING OR COPYING OF THIS COMMUNICATION IS PROHIBITED AND MAY VIOLATE THE LEGAL RIGHTS OF OTHERS. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND PLEASE MAIL THE ORIGINAL FACSIMILE TO US.

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November 16, 2021

Facsimile and Federal Express
Clerk of Court, St. Martin Parish
415 St Martin Street
St. Martinville, LA 70582

RE: John Breaux, et al v. Sentry Select Insurance, et al
Docket No.:

Dear Clerk:

Please find enclosed the original and service copies of a Petition, Interrogatories and Request for Production of Documents for filing in the above captioned matter. Please serve all pleadings on the defendants indicated and notify me when service has been made. Please return the enclosed copy of this correspondence showing the docket number and date and time of filing. Also enclosed is our check in the amount of \$ _____ to cover the cost of filing and service fees.

In accordance with LSA-C.C.P. Article 1572, you are requested to give us written notice by mail, ten days in advance, of the date fixed for the trial or hearing of this case, whether on exceptions, motions, rules or the merits. We also request immediate notice of all orders or judgments, whether interlocutory or final, made or entered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case is taken under advisement, or if the judgment is not signed at the conclusion of this trial.

With kind regards, I am,

Yours truly,



Jerome H. Moroux

JHM/jbd
Enclosures

LOUISIANA CIVIL CASE REPORTING
 Civil Case Cover Sheet - LA. R.S. 13:4688 and
 Part G, §13, Louisiana Supreme Court General Administrative Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption:

JOHN BREAUX
 VERSUS
 SENTRY SELECT INSURANCE COMPANY, EAST-WEST EXPRESS, INC. and ROBERT F. GARVEY, III

Court: 16th Judicial District Court Docket Number: _____

Parish of Filing: St. Martin Filing Date: November 15, 2021

Name of Lead Petitioner's Attorney: Jerome H. Moroux

Name of Self-Represented Litigant: _____

Number of named petitioners: 1 Number of named defendants: 3

Type of Lawsuit: Please check the categories which most appropriately apply to this suit (no more than 3 categories should be checked):

<input checked="" type="checkbox"/> Auto: Personal Injury	<input type="checkbox"/> Auto: Property Damage
<input type="checkbox"/> Auto: Wrongful Death	<input type="checkbox"/> Auto: Uninsured Motorist
<input type="checkbox"/> Asbestos: Property Damage	<input type="checkbox"/> Asbestos: Personal Injury/Death
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Premise Liability
<input type="checkbox"/> Intentional Bodily Injury	<input type="checkbox"/> Intentional Property Damage
<input type="checkbox"/> Intentional Wrongful Death	<input type="checkbox"/> Unfair Business Practice
<input type="checkbox"/> Business Tort	<input type="checkbox"/> Fraud
<input type="checkbox"/> Defamation	<input type="checkbox"/> Professional Negligence
<input type="checkbox"/> Environmental Tort	<input type="checkbox"/> Medical Malpractice
<input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Toxic Tort
<input type="checkbox"/> Legal Malpractice	<input type="checkbox"/> Other Tort (describe below)
<input type="checkbox"/> Other Professional Malpractice	<input type="checkbox"/> Redhibition
<input type="checkbox"/> Maritime	<input type="checkbox"/> Class action (nature of case)
<input type="checkbox"/> Wrongful Death	
<input type="checkbox"/> General Negligence	

Please briefly describe the nature of the litigation in one sentence of additional detail:

On or about December 28, 2020, petitioner, JOHN BREAUX was operating a 2014 Chevrolet Silverado in a safe and prudent manner, on Interstate 10, mile marker 124 in St. Martin Parish, Louisiana, when suddenly, negligently, and without warning, a 2021 Freightliner Tractor, operated by defendant, ROBERT F. GARVEY, III slammed into petitioner's vehicle causing severe injury and damages to JOHN BREAUX, described further herein.

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name: Jerome H. Moroux Signature: _____
 Address: 557 Jefferson St. P.O. Box 3524, Lafayette, LA 70502
 Phone number: 337-233-2323 E-mail address: jerome@broussard-david.com

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.:

PETITION

NOW INTO COURT, through undersigned counsel, comes JOHN BREAUX, a resident of St. Martin Parish, State of Louisiana, who with respect represent:

1.

Made defendants herein are:

- A. SENTRY SELECT INSURANCE COMPANY, a foreign insurer, which at all times relevant herein provided a policy of automobile liability insurance to defendant, EAST-WEST EXPRESS, INC. which policy provides coverage for the faults and/or negligence of EAST-WEST EXPRESS, INC. and/or ROBERT F. GARVEY, III at all pertinent times herein;
- B. EAST-WEST EXPRESS, INC., a foreign corporation, not licensed to do and business within the state of Georgia, with its primary place of business in Villa Rica, Georgia; and,
- C. ROBERT F. GARVEY, III, a resident of the full age of majority of the State of Texas, residing in Texas who at all times herein was acting in the course and scope of his employment with EAST-WEST EXPRESS, INC.

2.

On or about December 28, 2020, petitioner, JOHN BREAUX was operating a 2014 Chevrolet Silverado in a safe and prudent manner, on Interstate 10, mile marker 124 in St. Martin Parish, Louisiana, when suddenly, negligently, and without warning, a 2021 Freightliner Tractor, operated by defendant, ROBERT F. GARVEY, III slammed into petitioner's vehicle causing severe injury and damages to JOHN BREAUX, described further herein.

3.

The above described incident resulted from the fault and/or negligence of ROBERT F. GARVEY, III in the following non-exclusive particulars:

- A. In failing to maintain a lookout;
- B. Failing to see what he should have seen;
- C. In failing to remain attentive;
- D. In operating his vehicle in a careless and reckless fashion;
- E. In failing to maintain control of his vehicle; and,
- F. In causing a collision.

4.

The above described incident resulted from the fault and/or negligence of EAST-WEST EXPRESS, INC. in the following non-exclusive particulars:

- A. In failing to train its employee ROBERT F. GARVEY, III;
- B. In negligently entrusting a vehicle to ROBERT F. GARVEY, III;
- C. In failing to oversee and supervise its employee ROBERT F. GARVEY, III;

5.

As a result of the above described collision petitioner, JOHN BREAU, sustained serious and permanent injuries which have resulted in physical and mental pain and suffering, both past and future, loss of enjoyment of life, both past and future, loss of earnings and earning capacity, both past and future, and which has necessitated that he incur medical expenses, both past and future, property damage, loss of use, and loss or diminution of value of vehicle, all of which entitles him to recover a sum reasonable in the premises.

6.

The sum claimed by petitioner at this time exceeds \$50,000.00, but is not greater than \$75,000.00, exclusive of interest and costs. Petitioner reserves the right to amend this petition at any time.

WHEREFORE, petitioner, JOHN BREAU, prays that a certified copy of this complaint be served upon defendants, SENTRY SELECT INSURANCE COMPANY, EAST-WEST EXPRESS, INC. and ROBERT F. GARVEY, III, and that after due proceedings are had there be judgment herein in favor of petitioner, JOHN BREAU , and against defendants, SENTRY SELECT INSURANCE COMPANY, EAST-WEST EXPRESS, INC. and ROBERT F. GARVEY, III, jointly, severally and in solido in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
SCOTT M. RICHARD (#36643)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
EMAIL: scott@broussard-david.com
COUNSEL FOR PLAINTIFF

PLEASE SERVE:

ROBERT F. GARVEY, III

Via Long Arm Statute:

63 S. Villa Road
Villa Rica, Georgia 30180

EAST-WEST EXPRESS, INC.

Via Long Arm Statute:

Mr. Richard Cangemi
57 Daniel Street
Villa Rica, Georgia 30180

SENTRY SELECT INSURANCE COMPANY

Via Agent for Service of Process:

Louisiana Secretary Of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.:

INTERROGATORIES

TO: **ROBERT F. GARVEY, III**

Via Long Arm Statute:
63 S. Villa Road
Villa Rica, Georgia 30180

EAST-WEST EXPRESS, INC.

Via Long Arm Statute:
Mr. Richard Cangemi
57 Daniel Street
Villa Rica, Georgia 30180

SENTRY SELECT INSURANCE COMPANY

Via Agent for Service of Process:
Louisiana Secretary Of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

PLEASE TAKE NOTICE that you are hereby required to answer separately, fully, in writing and under oath by a duly authorized agent or representative the Interrogatories hereinafter set forth, and to serve your answers and responses thereto on Jerome H. Moroux, Post Office Box 3524, Lafayette, Louisiana, 70502, attorney for Plaintiffs, within the delays allowed by law.

In the following interrogatories:

"You" and "your" shall refer to the Respondents and any and all representatives and/or other persons acting on behalf of Respondent, including but not limited to attorneys.

"Document" includes writings, drawings, graphs, charts, photographs, phone records, computer generated or stored data, and other data compilations from which information can be obtained, translated, if necessary, by respondent through detection devices into reasonably usable form.

"Identify" or "identification" when used with respect to an individual means to state his full name, present or last known employment, and present or last known address and residential phone number.

"Identify" or "identification" when used with reference to a document means to state the type of document (e.g., lease, memorandum, contract, telegram, chart, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon or in lieu thereof, you may attach to your answer a copy of each such document.

"And" means both the conjunctive "and" and the disjunctive "or" and the words "and/or".

THESE INTERROGATORIES ARE DEEMED TO BE CONTINUING.

INTERROGATORY NO. 1

Please set forth your full legal name and present address.

INTERROGATORY NO. 2

Please state whether you were involved in a motor vehicle crash at the time and place set forth in plaintiff's complaint and, if you were so involved, please state whether:

- A. You were a driver or passenger;
- B. If a passenger, your location within the vehicle which you occupied;
- C. Name the owner of the vehicle in which you were driving;
- D. Whether you were in the course and scope of employment.

INTERROGATORY NO. 3

Do you contend that any of the following caused or contributed to the happening of this crash, and/or to any injuries or damages claimed in plaintiff's complaint:

- A. The negligence and/or intentional acts of any defendant;
- B. The negligence and/or intentional acts of plaintiff;
- C. The negligence and/or intentional acts on the part of anyone not a party to this lawsuit;
- D. Any defect in any vehicle involved in this crash;
- E. The negligent maintenance, inspection, repair, or service of any vehicle involved in this crash;
- F. The negligence and/or intentional acts in operating any vehicle involved in this crash;
- G. Weather conditions.

INTERROGATORY NO. 4

If your answer to any part of the foregoing interrogatory is in the affirmative, please set forth as to each affirmative response:

- A. Your contention as to each such cause or contributing factor;
- B. Each fact known to you which supports each contention;
- C. The name, address, and telephone number of each person known to you who caused or contributed to the crash;
- D. Everything each such person did or failed to do which you contend caused or contributed to it;
- E. The name, business and resident address, and telephone number of each person who claims to possess knowledge of any such fact;
- F. An identification, with such particularity as you would require in a motion to produce, of each and every writing relating to any such contention; and,
- G. The name, business and residence address, and telephone number of the custodian of any writing, identified in the foregoing subpart to this interrogatory.

INTERROGATORY NO. 5

With respect to the crash which is the subject of plaintiff's complaint, please set forth:

- A. Your estimate of the speed at which your vehicle was traveling at the time of impact and any fact upon which you base that estimate;
- B. Your estimate of the speed at which petitioner's vehicle was traveling at the time of

impact and any fact upon which you base that estimate;

- C. The speed limit applicable to the section of road on which your vehicle was traveling immediately prior to the crash;
- D. Where your vehicle was coming from and heading at the time of this crash;
- E. Details of the specific mission for which you were operating your vehicle, including but not limited to, whether personal or business.

INTERROGATORY NO. 6

At the time of the crash:

- A. Did you have any impairment of vision in either eye? If yes, please:
 - (i) state which eye;
 - (ii) describe the impairment;
- B. Were you wearing glasses or contact lenses? If yes, please state:
 - (i) whether they were tinted or colored;
 - (ii) whether they were bifocal;
 - (iii) the name and address of the doctor or optometrist who gave you any eye examination in the last 5 years and the date thereof.

INTERROGATORY NO. 7

Please describe the condition of the roadway surface at the time and place of the subject crash, stating specifically whether the road was:

- A. Wet or dry;
- B. Slippery or slick for any reason;
- C. Straight, curved, or otherwise;
- D. Concrete, blacktop, asphalt, or other; and
- E. Level, uphill or downhill.

INTERROGATORY NO. 8

Please set forth how many miles you drove:

- A. On the date of the subject crash;
- B. On the day before the subject crash.

INTERROGATORY NO. 9

How many hours of sleep did you have:

- A. In the last 24 hours immediately preceding the subject crash;
- B. In the 24 hour period immediately preceding the period described in subpart (a) of this interrogatory;
- C. How many hours you had been continuously awake prior to this crash.

INTERROGATORY NO. 10

Please state whether you consumed any alcohol, sleeping pills, tranquilizers, medicines, drugs of any kind, pills, or injections within 24 hours before this crash.

INTERROGATORY NO. 11

If your answer to the foregoing interrogatory is in the affirmative, please set forth:

- A. The type of each such product consumed;
- B. The quantity consumed;
- C. The time and place consumed;
- D. The identity of any person who witnessed such consumption.

INTERROGATORY NO. 12

For each expert who has or claims to have knowledge of facts pertaining to any issue in this lawsuit, or for each person in your employ whom you consider to be such an expert, please state:

- A. Name, address and job classification;
- B. Employer or associates, if not self-employed;
- C. Field of competency;
- D. Educational background, including schools, degrees, and years received;
- E. Occupational experience, including employers, types of work and dates;
- F. Other significant qualifications;
- G. Whether a written report was prepared, and if so, the date of each report; and
- H. The title, authority, publisher and date of publication of three treatises or other publications which each expert considers authoritative for his field of competency.

INTERROGATORY NO. 13

For each photograph pertaining to any issue in this lawsuit, including scenes of the crash site, which is or has been in your custody, please state:

- A. The date it was taken;
- B. The name, address, job classification and employer of the photographer;
- C. In general, the items, scenes, or persons portrayed, and;
- D. The name and address of the photograph's present custodian.

INTERROGATORY NO. 14

List and describe each other document, hospital records, medical report, statement, chart, diagram, log, book, memorandum, video, photograph, tangible item and similar paper or thing pertaining to any issue in this lawsuit which is or has been in your custody or control, indicating the name, address and job classification of the present custodian of each.

INTERROGATORY NO. 15

For each policy of insurance covering defendants (including covering the tractor and/or trailer in this incident), including but not limited to all automobile, homeowner, general liability, employers

liability and excess insurance policies, which were in effect on the date of plaintiffs' crash, please state:

- A. The name and address of the insurer;
- B. The policy number;
- C. The types of coverage;
- D. The limits of liability for each coverage; and
- E. The nature of any exclusion.

INTERROGATORY NO. 16

Please state according to your best information, knowledge and belief, the cause of the crash, which is the subject of this litigation.

INTERROGATORY NO. 17

Please identify each individual who has any factual knowledge of the physical condition of the plaintiff(s) and the plaintiff's disability or physical limitations following the crash.

INTERROGATORY NO. 18

Please identify any individual who has conducted or attempted to conduct any surveillance on the plaintiff(s) and/or captured any photographs or video of the plaintiff.

INTERROGATORY NO. 19

Please list the names, addresses and telephone numbers of all persons from whom statements have been taken by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned, and with whom interviews have been conducted (whether or not a statement was taken) by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned. Note, such identifications are discoverable whether or not the actual statements are discoverable.

INTERROGATORY NO. 20

For each statement listed in your answer to Interrogatory No. 19, please state to whom the statement was given, the employer of the person taking this statement, the form of the statement (recorded, written, transcribed, oral without transcription, etc.), the date of the statement, and the names, addresses and telephone numbers of all persons who are in the possession of any transcription, copy or recordings of the above mentioned statements. This information is required to determine the discoverability of the actual statements.

INTERROGATORY NO. 21

Please state whether you have sought relief under any provisions of the Bankruptcy Act and if your answer is in the affirmative, please state the following:

- A. The date on which the petition or petitions were filed;
- B. The entire caption of your petition, including the court docket number, division and judge; and,

- C. If any Order has been entered in that proceeding granting any relief prayed for in your petition, please attach a copy of the same to your answers hereto.

INTERROGATORY NO. 22

For each objection stated in your response to the above interrogatories, please state:

- A. Whether information is actually withheld or whether the objection is made for the purpose of attempting to preserve the right to object to future requests for information of the nature sought; and,
- B. If information is actually being withheld, state:
1. A brief description of the information withheld ["a list of names", "a memorandum", "hand notes", "the statement of (name)", etc.];
 2. The pertinent date associated with the information (date of statement, date of memorandum, date of notice, date of crash, etc.);
 3. The author of the information;
 4. The name of the individual statementized;
 5. Whether the information has been previously provided to any third party whether or not a party to this matter;
 6. The exact authority upon which you base your objection stating specifically the statutory and jurisprudential authority upon which you rely.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)

SCOTT M. RICHARD (#36643)

557 Jefferson Street

P.O. Box 3524

Lafayette, Louisiana 70502-3524

PH: 337-233-2323

FX: 337-233-2353

EMAIL: jerome@broussard-david.com

EMAIL: scott@broussard-david.com

COUNSEL FOR PLAINTIFF

PLEASE SERVE:

Same as above.

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.:

REQUESTS FOR PRODUCTION

NOW COME PLAINTIFFS, through undersigned counsel, who propound the following interrogatories and requests for production of documents to defendants as follows:

TO: ROBERT F. GARVEY, III

Via Long Arm Statute:

63 S. Villa Road
Villa Rica, Georgia 30180

EAST-WEST EXPRESS, INC.

Via Long Arm Statute:

Mr. Richard Cangemi
57 Daniel Street
Villa Rica, Georgia 30180

SENTRY SELECT INSURANCE COMPANY

Via Agent for Service of Process:

Louisiana Secretary Of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

Plaintiff requests that you respond in writing to the following requests and produce the following documents at the office of Jerome H. Moroux, Post Office Box 3524, Lafayette, Louisiana, 70502, attorney for Plaintiffs, for inspection, copying and reproduction by the time allowed by law and pursuant to the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 1

- A. Written notices of crash or injury;
- B. Crash reports;
- C. Any and all statements, either oral or written, signed or unsigned, and any memoranda relating to the incident complained of herein;
- D. Medical reports;
- E. Expert reports;
- F. Written statements from plaintiff;
- G. Copies of all documents bearing plaintiff's signature, including facsimile of signature.
- H. Written or printed operating or safety rules, regulations, or recommendations used by EAST-WEST EXPRESS, INC. and/or ROBERT F. GARVEY, III, including but not limited to any and all company rules for driving and company policies with respect to persons allowed to operate company vehicles (including but not limited to qualifications, background checks, DMV checks, driving tests, etc.), policies concerning the reporting of accidents, and policies concerning drug and/or alcohol use;

- I. Any and all insurance policies requested in Interrogatory No. 15. This includes but is not limited to copies of any and all insurance policies which do or arguably may provide coverage for the incident in question, including any insurance policies in which you are named as an additional insured;
- J. All documentation and electronically stored information with respect to the ownership, maintenance and use of the EAST-WEST EXPRESS, INC. vehicle involved in this incident, including but not limited to title, damage estimates from this crash, repair invoices from this crash, and for 6 months before this accident through one month after: maintenance records, travel logs, QUALCOMM printouts and digital data, fuel logs, GPS and/or tracking coordinates, speed recordings, black box data, etc.;
- F. Any and all drug and/or alcohol testing results (complete with litigation packet) for any persons taken after this incident;
- K. Other pertinent documents or things (including but not limited to those listed in answer to INTERROGATORY NO. 14);
- L. Any and all records, reports and/or memoranda relating to plaintiff's alleged injury;
- M. The wage printout for ROBERT F. GARVEY, III for the date of the crash and one year prior to this crash;
- N. Any and all logs and/or tracking data kept concerning the EAST-WEST EXPRESS, INC. truck involved in this crash during the one year period before this incident that is the subject of this litigation occurred;
- O. Any and all company manuals covering truck safety, maintenance, fleet safety programs, driver's standards, standard operating procedures, guidelines, regulations, safety rules, or any other writing and/or document referred to, used as a basis for a guide in operations, or issued to any employee who operates a company vehicle;
- P. Any and all records and reports or other documents pertaining to plaintiff's injury on the date in question;
- Q. Any and all photographs, video tapes, motion pictures, records and any other depictions or written description, etc., taken by you or your representatives involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein (including but not limited to the crash scene, the plaintiff(s) and any object involved in the crash);
- R. Any and all reports, notes, memoranda, correspondence, and related data made or kept by you, your agents, or employees, for and/or on behalf or in the interest of any defendant, and in its regular course of business, currently in existence or in the custody, possession and control, pertaining to plaintiff's injury and/or plaintiff's claim against the Defendants herein;
- S. All documents relating to any investigation of the subject crash, including without limitation all crash investigation reports, root cause determinations and similar reports, and/or all emails, letters, texts, faxes, radiograms, cables and advisories transmitted or received in connection with plaintiff's injury;
- T. Copies of all documents bearing plaintiff's signature, including facsimile of signature;
- U. Please produce a copy of the entire personnel file, crash file, investigative file, driving record file, duty time file, mileage file, reimbursement file, background checks, prior employer forms, all forms required by DOT regulations with respect to said employee, qualification file, payroll and benefit file, reprimand file and any other file in your possession concerning ROBERT F. GARVEY, III;
- V. Please produce a copy of the federal or state authorization under which the vehicle driven by ROBERT F. GARVEY, III was operating at the time of the crash;
- W. Please produce a copy of all logs for EAST-WEST EXPRESS, INC. and/or ROBERT F. GARVEY, III truck and/or trailer in question for 2021;
- X. Please produce a copy of all fuel records, tickets, citations, inspections, receipts or summaries for the EAST-WEST EXPRESS, INC. truck and/or trailer in question for 2021;

- Y. Please produce a copy of all state safety audits EAST-WEST EXPRESS, INC. for 2020 and 2021;
- Z. Please produce a copy of all seven day prior forms for EAST-WEST EXPRESS, INC. for 2021;
- AA. Please produce a copy of all DOT and state inspections of the vehicles involved in the crash for 2020 and 2021;
- BB. Please produce a copy of all citations and/or fines and/or out of service violations by DOT, state and/or federal authority of EAST-WEST EXPRESS, INC. for the five year period preceding the crash in this matter;
- CC. Please produce a copy of all conditional ratings for EAST-WEST EXPRESS, INC. by DOT, state or federal agencies for 2019, 2020 and 2021;
- DD. Please produce a copy of all records for 2021 that document driving or travel by ROBERT F. GARVEY, III;
- EE. Please produce copies of any and all drug and/or alcohol testing results obtained from ROBERT F. GARVEY, III before and after this crash (including but not limited to all testing results mandated by DOT, local, state or federal agencies);
- FF. Please produce any and all documentation produced to the Louisiana State Police, any other law enforcement authority, and/or the Department of Transportation with respect to this crash;
- GG. Please produce a copy of all surveillance information in your possession or in your control, whether or not you intend to use the same at trial, including all information showing the identification of the individuals who conducted or attempted to conduct such surveillance, all information showing the dates on which such surveillance was attempted or conducted, copies of all photographs, videos, films, still photography, movies, or other recordings made during such surveillance or attempted surveillance, and/or all notes, memos, surveillance logs, or other written, digitally recorded, typed or documented information concerning this surveillance, including surveillance notes, records, logs, reports, rough diagrams, rough notes, time sheets, and invoices for such activities;
- HH. Please produce a copy of all instructions, guides, manuals, and any training materials of any nature which you claim to have given to ROBERT F. GARVEY, III before or after this crash;
- II. The records of the safety meetings and supervisors meetings for the three months preceding the crash and three months after the crash;
- JJ. Any and all other daily reports/logs and/or JSA reports for the three months preceding the crash and three months after the crash;
- KK. Please provide a complete copy of all tachometer records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- LL. Please provide a copy of all on-board computer records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- MM. Please provide a copy of all dispatch records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- NN. Please provide a copy of all fax transmission during the year 2021 from or to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- OO. Please provide a complete copy of any and all mobile phone records for the telephone assigned to December 28, 2021 during the year 2021;
- PP. Please provide a copy of all mobile radio transmission records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;

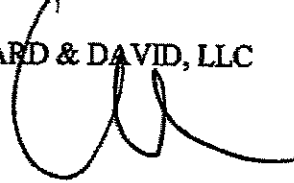
- QQ. Please provide a complete copy of any and all wrecker or tow truck records with respect to the December 28, 2021 accident that is the subject of this litigation;
- RR. Please provide a copy of the licenses for the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- SS. Please provide a copy of all pick up and deliver records for the year 2021 with respect to ROBERT F. GARVEY, III and the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- TT. Please provide a copy of all trip summaries for the year 2021 with respect to ROBERT F. GARVEY, III and the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- UU. Please provide a copy of all delivery manifests for the year 2021 with respect to ROBERT F. GARVEY, III and the trucks involved in the December 28, 2021 accident that is the subject of this litigation;
- VV. Please provide a copy of all credit card receipts, showing purchases made by ROBERT F. GARVEY, III in the year 2021;
- WW. Please provide a copy of all toll tickets during the year 2021 with respect to any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. and with respect to the tractor involved in the December 28, 2021 accident that is the subject of this litigation.
- XX. Please provide a copy of all weight tickets during the year 2021 with respect to following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. 2) the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- YY. Please provide a copy of all fuel tax records for the year 2021 with respect to the following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC.; 2) the trucks involved in the December 28, 2021 accident that is the subject of this litigation;
- ZZ. Please provide a copy of all fuel receipts for the year 2021 with respect to the following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. 2) the truck involved in the December 28, 2021 accident that is the subject of this litigation.
- AAA. Please provide a copy of all state entry and departure records for the year 2021 with respect to the following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. 2) the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- BBB. Please provide a copy of the registration and title to the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- CCC. Please provide a copy of all expense sheets with respect to any job performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. during the year 2021;
- DDD. Please provide a copy of all trailer interchange records with respect to all jobs performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC., during the year 2021;
- EEE. Please provide a copy of all bills of lading with respect to all jobs performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. during the year 2021;
- FFF. Please provide a copy of all manifests and waybills with respect to all jobs performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. during the year 2021;
- GGG. Please provide a copy of any rental and/or lease contracts with respect to the truck and trailers involved in the December 28, 2021 accident that is the subject of this litigation;
- HHH. Please provide a copy of all written responses from each state agency contacted with reference to ROBERT F. GARVEY, III's driving record;

- III. Please provide a copy of all written records with respect to each past employer who was contacted about ROBERT F. GARVEY, III's qualifications;
- JJJ. Please provide a complete copy of ROBERT F. GARVEY, III's driver qualification file, including, but not limited to the following: 1) Employee's application 2) List of truck driver's previous employers for the past 10 years preceding the date of application, 3) The reasons for leaving said employment, 4) Medical examiner's certificate, 5) Records of review of RANDALL P. RODIGUE's driver's record for each year of employment, 6) Records of drug and alcohol tests, 7) Accident register listing all DOT recordable preventable accidents;
- KKK. Please provide a complete copy of ROBERT F. GARVEY, III's list of violations of motor vehicle traffic laws;
- LLL. Please provide a complete copy of any and all documents in ROBERT F. GARVEY, III's personnel file, to include but not limited to: 1) Earnings records, 2) Reports of pre-employment physical, 3) Reports of any and all other physical examinations, 4) Medical reports, 5) Medical invoices, 6) Reports of personnel actions, efficiency ratings, etc.;
- MMM. Please provide a copy of any and all National Transportation Safety Board investigative reports with respect to any accident involving ROBERT F. GARVEY, III's, to include, but not limited to the December 28, 2021 accident that is the subject of this litigation;
- NNN. Please provide a copy of all out of service orders on the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- OOO. Please provide a complete copy ROBERT F. GARVEY, III's driver's logs for the year 2021;
- PPP. Please provide a complete copy of all vehicle maintenance records of the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- QQQ. Please provide a copy of all post-accident repair records, documentation and/or invoices with respect to the truck and trailer involved in the in the December 28, 2021 accident that is the subject of this litigation;
- RRR. Please provide a copy of all repair records, documentation and/or invoices with respect to the truck and trailer involved in the in the December 28, 2021 accident that is the subject of this litigation for the duration that they were operated on behalf of EAST-WEST EXPRESS, INC.;
- SSS. Please provide a copy of all lease and trip lease contracts between you and the truck/trailer owner and operator;
- TTT. Please provide a copy of all trip reports with respect to any and all trips and/or jobs performed by ROBERT F. GARVEY, III on behalf EAST-WEST EXPRESS, INC.;
- UUU. Please provide a copy of ROBERT F. GARVEY, III's commercial driver's license;
- VVV. Please provide a complete copy of any and all writings giving notification to you of ROBERT F. GARVEY, III's convictions or suspensions for violating a state of local law relating to motor vehicle traffic control;
- WWW. Please provide a complete copy of any and all records of the following with respect to ROBERT F. GARVEY, III's; 1) Diver alcohol tests with a confirmed reading of .02 percent or greater, 2) Confirmed positive drug or alcohol test results, 3) Documentation of refusals to take alcohol and/or drugs tests, 4) Instrument calibration documentation, 5) Driver evaluation by a substance abuse professional, 6) Calendar year summaries for each year of his work on behalf of EAST-WEST EXPRESS, INC.;
- XXX. Please produce a complete copy of any and all documents or writings prepared by or related to the ECM (electric control monitor) and/or "Line-Sheets" for the subject truck with respect to the December 28, 2021 accident that is the subject of this litigation;

YYY. Please produce a complete copy of any and all documents or writings prepared by or related to any Codec/TWW and/or fleet management system (black box) for the subject truck with respect to the December 28, 2021 accident that is the subject of this litigation.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
SCOTT M. RICHARD (#36643)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
EMAIL: scott@broussard-david.com
COUNSEL FOR PLAINTIFF

PLEASE SERVE:

Same as above.

FAX CONFIRMATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096
Division: D
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 11.16.21

DESCRIPTION OF TRANSMISSION: DAMAGES

FILED ON BEHALF OF: _____

PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading. PLEASE ADD CASE NUMBER.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

Deputy Clerk of Court

Confirmation faxed to number: 233.2353

Date confirmation faxed: 11.16.21

Amount due: \$770.00

[FILE]

Transmission Report

Date/Time11-16-202109:16:08 p.m.

Local ID 13373942240

Transmit Header TextLocal Name 1StMartin


This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x14"

FAX CONFIRMATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091896

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

Tax ID # 726001272

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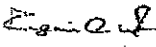
The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$13.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

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[F I L E]

Total Pages Scanned : 1			Total Pages Confirmed : 1							
No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results	
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Abbreviations:

HS: Host send

HR: Host receive

WS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.: 091096-D

PETITION

NOW INTO COURT, through undersigned counsel, comes JOHN BREAUX, a resident of St. Martin Parish, State of Louisiana, who with respect represent:

1.

Made defendants herein are:

- A. SENTRY SELECT INSURANCE COMPANY, a foreign insurer, which at all times relevant herein provided a policy of automobile liability insurance to defendant, EAST-WEST EXPRESS, INC. which policy provides coverage for the faults and/or negligence of EAST-WEST EXPRESS, INC. and/or ROBERT F. GARVEY, III at all pertinent times herein;
- B. EAST-WEST EXPRESS, INC., a foreign corporation, not licensed to do and business within the state of Georgia, with its primary place of business in Villa Rica, Georgia; and,
- C. ROBERT F. GARVEY, III, a resident of the full age of majority of the State of Texas, residing in Texas who at all times herein was acting in the course and scope of his employment with EAST-WEST EXPRESS, INC.

2.

On or about December 28, 2020, petitioner, JOHN BREAUX was operating a 2014 Chevrolet Silverado in a safe and prudent manner, on Interstate 10, mile marker 124 in St. Martin Parish, Louisiana, when suddenly, negligently, and without warning, a 2021 Freightliner Tractor, operated by defendant, ROBERT F. GARVEY, III slammed into petitioner's vehicle causing severe injury and damages to JOHN BREAUX, described further herein.

3.

The above described incident resulted from the fault and/or negligence of ROBERT F. GARVEY, III in the following non-exclusive particulars:

- A. In failing to maintain a lookout;
- B. Failing to see what he should have seen;
- C. In failing to remain attentive;
- D. In operating his vehicle in a careless and reckless fashion;
- E. In failing to maintain control of his vehicle; and,
- F. In causing a collision.

4.

The above described incident resulted from the fault and/or negligence of EAST-WEST EXPRESS, INC. in the following non-exclusive particulars:

- A. In failing to train its employee ROBERT F. GARVEY, III;
- B. In negligently entrusting a vehicle to ROBERT F. GARVEY, III;
- C. In failing to oversee and supervise its employee ROBERT F. GARVEY, III;

5.

As a result of the above described collision petitioner, JOHN BREAU, sustained serious and permanent injuries which have resulted in physical and mental pain and suffering, both past and future, loss of enjoyment of life, both past and future, loss of earnings and earning capacity, both past and future, and which has necessitated that he incur medical expenses, both past and future, property damage, loss of use, and loss or diminution of value of vehicle, all of which entitles him to recover a sum reasonable in the premises.

6.

The sum claimed by petitioner at this time exceeds \$50,000.00, but is not greater than \$75,000.00, exclusive of interest and costs. Petitioner reserves the right to amend this petition at any time.

WHEREFORE, petitioner, JOHN BREAU, prays that a certified copy of this complaint be served upon defendants, SENTRY SELECT INSURANCE COMPANY, EAST-WEST EXPRESS, INC. and ROBERT F. GARVEY, III, and that after due proceedings are had there be judgment herein in favor of petitioner, JOHN BREAU , and against defendants, SENTRY SELECT INSURANCE COMPANY, EAST-WEST EXPRESS, INC. and ROBERT F. GARVEY, III, jointly, severally and in solido in a sum reasonable in the premises together with legal interest from the date of judicial demand until paid and for all costs of these proceedings.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
SCOTT M. RICHARD (#36643)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
EMAIL: scott@broussard-david.com
COUNSEL FOR PLAINTIFF

PLEASE SERVE:

ROBERT F. GARVEY, III

Via Long Arm Statute:

63 S. Villa Road
Villa Rica, Georgia 30180

EAST-WEST EXPRESS, INC.

Via Long Arm Statute:

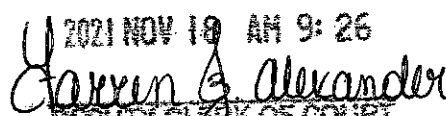
Mr. Richard Cangemi
57 Daniel Street
Villa Rica, Georgia 30180

SENTRY SELECT INSURANCE COMPANY

Via Agent for Service of Process:

Louisiana Secretary Of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

RECEIVED AND FILED

2021 NOV 18 AM 9:26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.: 091096-D

INTERROGATORIES

TO: **ROBERT F. GARVEY, III**

Via Long Arm Statute:

63 S. Villa Road

Villa Rica, Georgia 30180

EAST-WEST EXPRESS, INC.

Via Long Arm Statute:

Mr. Richard Cangemi

57 Daniel Street

Villa Rica, Georgia 30180

SENTRY SELECT INSURANCE COMPANY

Via Agent for Service of Process:

Louisiana Secretary Of State

8585 Archives Avenue

Baton Rouge, Louisiana 70809

PLEASE TAKE NOTICE that you are hereby required to answer separately, fully, in writing and under oath by a duly authorized agent or representative the Interrogatories hereinafter set forth, and to serve your answers and responses thereto on Jerome H. Moroux, Post Office Box 3524, Lafayette, Louisiana, 70502, attorney for Plaintiffs, within the delays allowed by law.

In the following interrogatories:

"You" and "your" shall refer to the Respondents and any and all representatives and/or other persons acting on behalf of Respondent, including but not limited to attorneys.

"Document" includes writings, drawings, graphs, charts, photographs, phone records, computer generated or stored data, and other data compilations from which information can be obtained, translated, if necessary, by respondent through detection devices into reasonably usable form.

"Identify" or "identification" when used with respect to an individual means to state his full name, present or last known employment, and present or last known address and residential phone number.

"Identify" or "identification" when used with reference to a document means to state the type of document (e.g., lease, memorandum, contract, telegram, chart, etc.) or some other means of identifying its location and custodian, the date thereon, if any, and the identity of the party or parties whose name or names appear thereon or in lieu thereof, you may attach to your answer a copy of each such document.

"And" means both the conjunctive "and" and the disjunctive "or" and the words "and/or".

THESE INTERROGATORIES ARE DEEMED TO BE CONTINUING.

INTERROGATORY NO. 1

Please set forth your full legal name and present address.

INTERROGATORY NO. 2

Please state whether you were involved in a motor vehicle crash at the time and place set forth in plaintiff's complaint and, if you were so involved, please state whether:

- A. You were a driver or passenger;
- B. If a passenger, your location within the vehicle which you occupied;
- C. Name the owner of the vehicle in which you were driving;
- D. Whether you were in the course and scope of employment.

INTERROGATORY NO. 3

Do you contend that any of the following caused or contributed to the happening of this crash, and/or to any injuries or damages claimed in plaintiff's complaint:

- A. The negligence and/or intentional acts of any defendant;
- B. The negligence and/or intentional acts of plaintiff;
- C. The negligence and/or intentional acts on the part of anyone not a party to this lawsuit;
- D. Any defect in any vehicle involved in this crash;
- E. The negligent maintenance, inspection, repair, or service of any vehicle involved in this crash;
- F. The negligence and/or intentional acts in operating any vehicle involved in this crash;
- G. Weather conditions.

INTERROGATORY NO. 4

If your answer to any part of the foregoing interrogatory is in the affirmative, please set forth as to each affirmative response:

- A. Your contention as to each such cause or contributing factor;
- B. Each fact known to you which supports each contention;
- C. The name, address, and telephone number of each person known to you who caused or contributed to the crash;
- D. Everything each such person did or failed to do which you contend caused or contributed to it;
- E. The name, business and resident address, and telephone number of each person who claims to possess knowledge of any such fact;
- F. An identification, with such particularity as you would require in a motion to produce, of each and every writing relating to any such contention; and,
- G. The name, business and residence address, and telephone number of the custodian of any writing, identified in the foregoing subpart to this interrogatory.

INTERROGATORY NO. 5

With respect to the crash which is the subject of plaintiff's complaint, please set forth:

- A. Your estimate of the speed at which your vehicle was traveling at the time of impact and any fact upon which you base that estimate;
- B. Your estimate of the speed at which petitioner's vehicle was traveling at the time of

impact and any fact upon which you base that estimate;

- C. The speed limit applicable to the section of road on which your vehicle was traveling immediately prior to the crash;
- D. Where your vehicle was coming from and heading at the time of this crash;
- E. Details of the specific mission for which you were operating your vehicle, including but not limited to, whether personal or business.

INTERROGATORY NO. 6

At the time of the crash:

- A. Did you have any impairment of vision in either eye? If yes, please:
 - (i) state which eye;
 - (ii) describe the impairment;
- B. Were you wearing glasses or contact lenses? If yes, please state:
 - (i) whether they were tinted or colored;
 - (ii) whether they were bifocal;
 - (iii) the name and address of the doctor or optometrist who gave you any eye examination in the last 5 years and the date thereof.

INTERROGATORY NO. 7

Please describe the condition of the roadway surface at the time and place of the subject crash, stating specifically whether the road was:

- A. Wet or dry;
- B. Slippery or slick for any reason;
- C. Straight, curved, or otherwise;
- D. Concrete, blacktop, asphalt, or other; and
- E. Level, uphill or downhill.

INTERROGATORY NO. 8

Please set forth how many miles you drove:

- A. On the date of the subject crash;
- B. On the day before the subject crash.

INTERROGATORY NO. 9

How many hours of sleep did you have:

- A. In the last 24 hours immediately preceding the subject crash;
- B. In the 24 hour period immediately preceding the period described in subpart (a) of this interrogatory;
- C. How many hours you had been continuously awake prior to this crash.

INTERROGATORY NO. 10

Please state whether you consumed any alcohol, sleeping pills, tranquilizers, medicines, drugs of any kind, pills, or injections within 24 hours before this crash.

INTERROGATORY NO. 11

If your answer to the foregoing interrogatory is in the affirmative, please set forth:

- A. The type of each such product consumed;
- B. The quantity consumed;
- C. The time and place consumed;
- D. The identity of any person who witnessed such consumption.

INTERROGATORY NO. 12

For each expert who has or claims to have knowledge of facts pertaining to any issue in this lawsuit, or for each person in your employ whom you consider to be such an expert, please state:

- A. Name, address and job classification;
- B. Employer or associates, if not self-employed;
- C. Field of competency;
- D. Educational background, including schools, degrees, and years received;
- E. Occupational experience, including employers, types of work and dates;
- F. Other significant qualifications;
- G. Whether a written report was prepared, and if so, the date of each report; and
- H. The title, authority, publisher and date of publication of three treatises or other publications which each expert considers authoritative for his field of competency.

INTERROGATORY NO. 13

For each photograph pertaining to any issue in this lawsuit, including scenes of the crash site, which is or has been in your custody, please state:

- A. The date it was taken;
- B. The name, address, job classification and employer of the photographer;
- C. In general, the items, scenes, or persons portrayed, and;
- D. The name and address of the photograph's present custodian.

INTERROGATORY NO. 14

List and describe each other document, hospital records, medical report, statement, chart, diagram, log, book, memorandum, video, photograph, tangible item and similar paper or thing pertaining to any issue in this lawsuit which is or has been in your custody or control, indicating the name, address and job classification of the present custodian of each.

INTERROGATORY NO. 15

For each policy of insurance covering defendants (including covering the tractor and/or trailer in this incident), including but not limited to all automobile, homeowner, general liability, employers

liability and excess insurance policies, which were in effect on the date of plaintiffs' crash, please state:

- A. The name and address of the insurer;
- B. The policy number;
- C. The types of coverage;
- D. The limits of liability for each coverage; and
- E. The nature of any exclusion.

INTERROGATORY NO. 16

Please state according to your best information, knowledge and belief, the cause of the crash, which is the subject of this litigation.

INTERROGATORY NO. 17

Please identify each individual who has any factual knowledge of the physical condition of the plaintiff(s) and the plaintiff's disability or physical limitations following the crash.

INTERROGATORY NO. 18

Please identify any individual who has conducted or attempted to conduct any surveillance on the plaintiff(s) and/or captured any photographs or video of the plaintiff.

INTERROGATORY NO. 19

Please list the names, addresses and telephone numbers of all persons from whom statements have been taken by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned, and with whom interviews have been conducted (whether or not a statement was taken) by you or anyone whose interest was or is the same as your interest insofar as this litigation is concerned. Note, such identifications are discoverable whether or not the actual statements are discoverable.

INTERROGATORY NO. 20

For each statement listed in your answer to Interrogatory No. 19, please state to whom the statement was given, the employer of the person taking this statement, the form of the statement (recorded, written, transcribed, oral without transcription, etc.), the date of the statement, and the names, addresses and telephone numbers of all persons who are in the possession of any transcription, copy or recordings of the above mentioned statements. This information is required to determine the discoverability of the actual statements.

INTERROGATORY NO. 21

Please state whether you have sought relief under any provisions of the Bankruptcy Act and if your answer is in the affirmative, please state the following:

- A. The date on which the petition or petitions were filed;
- B. The entire caption of your petition, including the court docket number, division and judge; and,

- C. If any Order has been entered in that proceeding granting any relief prayed for in your petition, please attach a copy of the same to your answers hereto.

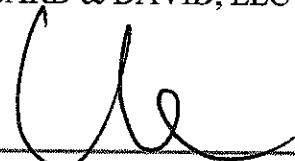
INTERROGATORY NO. 22

For each objection stated in your response to the above interrogatories, please state:

- A. Whether information is actually withheld or whether the objection is made for the purpose of attempting to preserve the right to object to future requests for information of the nature sought; and,
- B. If information is actually being withheld, state:
1. A brief description of the information withheld ["a list of names", "a memorandum", "hand notes", "the statement of (name)", etc.];
 2. The pertinent date associated with the information (date of statement, date of memorandum, date of notice, date of crash, etc.);
 3. The author of the information;
 4. The name of the individual statementized;
 5. Whether the information has been previously provided to any third party whether or not a party to this matter;
 6. The exact authority upon which you base your objection stating specifically the statutory and jurisprudential authority upon which you rely.

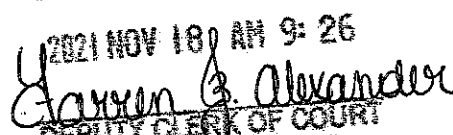
Respectfully submitted,

BROUSSARD & DAVID, LLC


JEROME H. MOROUX (#32666)
SCOTT M. RICHARD (#36643)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
EMAIL: scott@broussard-david.com
COUNSEL FOR PLAINTIFF

PLEASE SERVE:

Same as above.

RECEIVED AND FILED
2021 NOV 18 AM 9: 26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.: 091096-D

REQUESTS FOR PRODUCTION

NOW COME PLAINTIFFS, through undersigned counsel, who propound the following interrogatories and requests for production of documents to defendants as follows:

TO: **ROBERT F. GARVEY, III**

Via Long Arm Statute:

63 S. Villa Road

Villa Rica, Georgia 30180

EAST-WEST EXPRESS, INC.

Via Long Arm Statute:

Mr. Richard Cangemi

57 Daniel Street

Villa Rica, Georgia 30180

SENTRY SELECT INSURANCE COMPANY

Via Agent for Service of Process:

Louisiana Secretary Of State

8585 Archives Avenue

Baton Rouge, Louisiana 70809

Plaintiff requests that you respond in writing to the following requests and produce the following documents at the office of Jerome H. Moroux, Post Office Box 3524, Lafayette, Louisiana, 70502, attorney for Plaintiffs, for inspection, copying and reproduction by the time allowed by law and pursuant to the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 1

- A. Written notices of crash or injury;
- B. Crash reports;
- C. Any and all statements, either oral or written, signed or unsigned, and any memoranda relating to the incident complained of herein;
- D. Medical reports;
- E. Expert reports;
- F. Written statements from plaintiff;
- G. Copies of all documents bearing plaintiff's signature, including facsimile of signature.
- H. Written or printed operating or safety rules, regulations, or recommendations used by EAST-WEST EXPRESS, INC. and/or ROBERT F. GARVEY, III, including but not limited to any and all company rules for driving and company policies with respect to persons allowed to operate company vehicles (including but not limited to qualifications, background checks, DMV checks, driving tests, etc.), policies concerning the reporting of accidents, and policies concerning drug and/or alcohol use;

- I. Any and all insurance policies requested in Interrogatory No. 15. This includes but is not limited to copies of any and all insurance policies which do or arguably may provide coverage for the incident in question, including any insurance policies in which you are named as an additional insured;
- J. All documentation and electronically stored information with respect to the ownership, maintenance and use of the EAST-WEST EXPRESS, INC. vehicle involved in this incident, including but not limited to title, damage estimates from this crash, repair invoices from this crash, and for 6 months before this accident through one month after: maintenance records, travel logs, QUALCOMM printouts and digital data, fuel logs, GPS and/or tracking coordinates, speed recordings, black box data, etc.;
- F. Any and all drug and/or alcohol testing results (complete with litigation packet) for any persons taken after this incident;
- K. Other pertinent documents or things (including but not limited to those listed in answer to INTERROGATORY NO. 14);
- L. Any and all records, reports and/or memoranda relating to plaintiff's alleged injury;
- M. The wage printout for ROBERT F. GARVEY, III for the date of the crash and one year prior to this crash;
- N. Any and all logs and/or tracking data kept concerning the EAST-WEST EXPRESS, INC. truck involved in this crash during the one year period before this incident that is the subject of this litigation occurred;
- O. Any and all company manuals covering truck safety, maintenance, fleet safety programs, driver's standards, standard operating procedures, guidelines, regulations, safety rules, or any other writing and/or document referred to, used as a basis for a guide in operations, or issued to any employee who operates a company vehicle;
- P. Any and all records and reports or other documents pertaining to plaintiff's injury on the date in question;
- Q. Any and all photographs, video tapes, motion pictures, records and any other depictions or written description, etc., taken by you or your representatives involving, concerning, regarding or in any way connected with the area of the occurrence and facts of the incident complained of herein (including but not limited to the crash scene, the plaintiff(s) and any object involved in the crash);
- R. Any and all reports, notes, memoranda, correspondence, and related data made or kept by you, your agents, or employees, for and/or on behalf or in the interest of any defendant, and in its regular course of business, currently in existence or in the custody, possession and control, pertaining to plaintiff's injury and/or plaintiff's claim against the Defendants herein;
- S. All documents relating to any investigation of the subject crash, including without limitation all crash investigation reports, root cause determinations and similar reports, and/or all emails, letters, texts, faxes, radiograms, cables and advisories transmitted or received in connection with plaintiff's injury;
- T. Copies of all documents bearing plaintiff's signature, including facsimile of signature;
- U. Please produce a copy of the entire personnel file, crash file, investigative file, driving record file, duty time file, mileage file, reimbursement file, background checks, prior employer forms, all forms required by DOT regulations with respect to said employee, qualification file, payroll and benefit file, reprimand file and any other file in your possession concerning ROBERT F. GARVEY, III;
- V. Please produce a copy of the federal or state authorization under which the vehicle driven by ROBERT F. GARVEY, III was operating at the time of the crash;
- W. Please produce a copy of all logs for EAST-WEST EXPRESS, INC. and/or ROBERT F. GARVEY, III truck and/or trailer in question for 2021;
- X. Please produce a copy of all fuel records, tickets, citations, inspections, receipts or summaries for the EAST-WEST EXPRESS, INC. truck and/or trailer in question for 2021;

- Y. Please produce a copy of all state safety audits EAST-WEST EXPRESS, INC. for 2020 and 2021;
- Z. Please produce a copy of all seven day prior forms for EAST-WEST EXPRESS, INC. for 2021;
- AA. Please produce a copy of all DOT and state inspections of the vehicles involved in the crash for 2020 and 2021;
- BB. Please produce a copy of all citations and/or fines and/or out of service violations by DOT, state and/or federal authority of EAST-WEST EXPRESS, INC. for the five year period preceding the crash in this matter;
- CC. Please produce a copy of all conditional ratings for EAST-WEST EXPRESS, INC. by DOT, state or federal agencies for 2019, 2020 and 2021;
- DD. Please produce a copy of all records for 2021 that document driving or travel by ROBERT F. GARVEY, III;
- EE. Please produce copies of any and all drug and/or alcohol testing results obtained from ROBERT F. GARVEY, III before and after this crash (including but not limited to all testing results mandated by DOT, local, state or federal agencies);
- FF. Please produce any and all documentation produced to the Louisiana State Police, any other law enforcement authority, and/or the Department of Transportation with respect to this crash;
- GG. Please produce a copy of all surveillance information in your possession or in your control, whether or not you intend to use the same at trial, including all information showing the identification of the individuals who conducted or attempted to conduct such surveillance, all information showing the dates on which such surveillance was attempted or conducted, copies of all photographs, videos, films, still photography, movies, or other recordings made during such surveillance or attempted surveillance, and/or all notes, memos, surveillance logs, or other written, digitally recorded, typed or documented information concerning this surveillance, including surveillance notes, records, logs, reports, rough diagrams, rough notes, time sheets, and invoices for such activities;
- HH. Please produce a copy of all instructions, guides, manuals, and any training materials of any nature which you claim to have given to ROBERT F. GARVEY, III before or after this crash;
- II. The records of the safety meetings and supervisors meetings for the three months preceding the crash and three months after the crash;
- JJ. Any and all other daily reports/logs and/or JSA reports for the three months preceding the crash and three months after the crash;
- KK. Please provide a complete copy of all tachometer records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- LL. Please provide a copy of all on-board computer records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- MM. Please provide a copy of all dispatch records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- NN. Please provide a copy of all fax transmission during the year 2021 from or to the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- OO. Please provide a complete copy of any and all mobile phone records for the telephone assigned to December 28, 2021 during the year 2021;
- PP. Please provide a copy of all mobile radio transmission records for the year 2021 with respect to the truck involved in the December 28, 2021 accident that is the subject of this litigation;

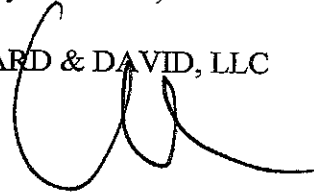
- QQ. Please provide a complete copy of any and all wrecker or tow truck records with respect to the December 28, 2021 accident that is the subject of this litigation;
- RR. Please provide a copy of the licenses for the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- SS. Please provide a copy of all pick up and deliver records for the year 2021 with respect to ROBERT F. GARVEY, III and the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- TT. Please provide a copy of all trip summaries for the year 2021 with respect to ROBERT F. GARVEY, III and the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- UU. Please provide a copy of all delivery manifests for the year 2021 with respect to ROBERT F. GARVEY, III and the trucks involved in the December 28, 2021 accident that is the subject of this litigation;
- VV. Please provide a copy of all credit card receipts, showing purchases made by ROBERT F. GARVEY, III in the year 2021;
- WW. Please provide a copy of all toll tickets during the year 2021 with respect to any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. and with respect to the tractor involved in the December 28, 2021 accident that is the subject of this litigation.
- XX. Please provide a copy of all weight tickets during the year 2021 with respect to following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. 2) the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- YY. Please provide a copy of all fuel tax records for the year 2021 with respect to the following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC.; 2) the trucks involved in the December 28, 2021 accident that is the subject of this litigation;
- ZZ. Please provide a copy of all fuel receipts for the year 2021 with respect to the following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. 2) the truck involved in the December 28, 2021 accident that is the subject of this litigation.
- AAA. Please provide a copy of all state entry and departure records for the year 2021 with respect to the following: 1) any vehicle operated by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. 2) the truck involved in the December 28, 2021 accident that is the subject of this litigation;
- BBB. Please provide a copy of the registration and title to the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- CCC. Please provide a copy of all expense sheets with respect to any job performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. during the year 2021;
- DDD. Please provide a copy of all trailer interchange records with respect to all jobs performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC., during the year 2021;
- EEE. Please provide a copy of all bills of lading with respect to all jobs performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. during the year 2021;
- FFF. Please provide a copy of all manifests and waybills with respect to all jobs performed by ROBERT F. GARVEY, III on behalf of EAST-WEST EXPRESS, INC. during the year 2021;
- GGG. Please provide a copy of any rental and/or lease contracts with respect to the truck and trailers involved in the December 28, 2021 accident that is the subject of this litigation;
- HHH. Please provide a copy of all written responses from each state agency contacted with reference to ROBERT F. GARVEY, III's driving record;

- III. Please provide a copy of all written records with respect to each past employer who was contacted about ROBERT F. GARVEY, III's qualifications;
- JJJ. Please provide a complete copy of ROBERT F. GARVEY, III's driver qualification file, including, but not limited to the following: 1) Employee's application 2) List of truck driver's previous employers for the past 10 years preceding the date of application, 3) The reasons for leaving said employment, 4) Medical examiner's certificate, 5) Records of review of RANDALL P. RODIGUE's driver's record for each year of employment, 6) Records of drug and alcohol tests, 7) Accident register listing all DOT recordable preventable accidents;
- KKK. Please provide a complete copy of ROBERT F. GARVEY, III's list of violations of motor vehicle traffic laws;
- LLL. Please provide a complete copy of any and all documents in ROBERT F. GARVEY, III's personnel file, to include but not limited to: 1) Earnings records, 2) Reports of pre-employment physical, 3) Reports of any and all other physical examinations, 4) Medical reports, 5) Medical invoices, 6) Reports of personnel actions, efficiency ratings, etc.;
- MMM. Please provide a copy of any and all National Transportation Safety Board investigative reports with respect to any accident involving ROBERT F. GARVEY, III's, to include, but not limited to the December 28, 2021 accident that is the subject of this litigation;
- NNN. Please provide a copy of all out of service orders on the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- OOO. Please provide a complete copy ROBERT F. GARVEY, III's driver's logs for the year 2021;
- PPP. Please provide a complete copy of all vehicle maintenance records of the truck and trailer involved in the December 28, 2021 accident that is the subject of this litigation;
- QQQ. Please provide a copy of all post-accident repair records, documentation and/or invoices with respect to the truck and trailer involved in the in the December 28, 2021 accident that is the subject of this litigation;
- RRR. Please provide a copy of all repair records, documentation and/or invoices with respect to the truck and trailer involved in the in the December 28, 2021 accident that is the subject of this litigation for the duration that they were operated on behalf of EAST-WEST EXPRESS, INC.;
- SSS. Please provide a copy of all lease and trip lease contracts between you and the truck/trailer owner and operator;
- TTT. Please provide a copy of all trip reports with respect to any and all trips and/or jobs performed by ROBERT F. GARVEY, III on behalf EAST-WEST EXPRESS, INC.;
- UUU. Please provide a copy of ROBERT F. GARVEY, III's commercial driver's license;
- VVV. Please provide a complete copy of any and all writings giving notification to you of ROBERT F. GARVEY, III's convictions or suspensions for violating a state of local law relating to motor vehicle traffic control;
- WWW. Please provide a complete copy of any and all records of the following with respect to ROBERT F. GARVEY, III's ; 1) Diver alcohol tests with a confirmed reading of .02 percent or greater, 2) Confirmed positive drug or alcohol test results, 3) Documentation of refusals to take alcohol and/or drugs tests, 4) Instrument calibration documentation, 5) Driver evaluation by a substance abuse professional, 6) Calendar year summaries for each year of his work on behalf of EAST-WEST EXPRESS, INC.;
- XXX. Please produce a complete copy of any and all documents or writings prepared by or related to the ECM (electric control monitor) and/or "Line-Sheets" for the subject truck with respect to the December 28, 2021 accident that is the subject of this litigation;

YYY. Please produce a complete copy of any and all documents or writings prepared by or related to any Codec/TWW and/or fleet management system (black box) for the subject truck with respect to the December 28, 2021 accident that is the subject of this litigation.

Respectfully submitted,

BROUSSARD & DAVID, LLC



JEROME H. MOROUX (#32666)
SCOTT M. RICHARD (#36643)
557 Jefferson Street
P.O. Box 3524
Lafayette, Louisiana 70502-3524
PH: 337-233-2323
FX: 337-233-2353
EMAIL: jerome@broussard-david.com
EMAIL: scott@broussard-david.com
COUNSEL FOR PLAINTIFF

PLEASE SERVE:

Same as above.

RECEIVED AND FILED
2021 NOV 18 AM 9:26
Garrison & Alexander
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

Becky P. Patin
Clerk of Court
P.O. Box 308
St. Martinville, La. 70582

Ph. #337/394-2210
Fax. #337/394-2240

NEW CIVIL SUIT FILING CERTIFICATION

STATE OF LOUISIANA
PARISH OF ST. MARTIN

TO:
JEROME H. MOROUX
ATTORNEY AT LAW
P.O. BOX 3524
LAFAYETTE, LA 70502-3524

THIS CERTIFIES THAT ON THE 16TH DAY OF NOVEMBER, 2021 THE BELOW
ENTITLED CASE HAS BEEN FILED FOR RECORD IN THIS OFFICE.

JOHN BREAUX

VS. # 91096-D

SENTRY SELECT INSURANCE COMPANY,
EAST- WEST EXPRESS, INC., ET AL

DIVISION D

LEWIS H. PITMAN, JR.
JUDGE


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CITATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

ROBERT F GARVEY III
VIA LONG ARM STATUTE
63 S. VILLA ROAD
VILLA RICA, GEORGIA 30180

VIA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within THIRTY (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 23RD day of NOVEMBER, 2021.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Haven J. Alexander

Deputy Clerk of Court

REQUESTED BY:

JEROME H. MOROUX

ATTORNEY FOR JOHN BREAUX

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[FILE]

CITATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

EAST-WEST EXPRESS INC
 VIA LONG ARM STATUTE: MR. RICHARD CANGEMI
 57 DANIEL STREET
 VILLA RICA, GEORGIA 30180

VIA LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within THIRTY (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 23RD day of NOVEMBER, 2021.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
 St. Martin Parish, Louisiana

BY:

Deputy Clerk of Court

REQUESTED BY:

JEROME H. MOROUX

ATTORNEY FOR JOHN BREAUX

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
 Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____

Deputy Sheriff

[FILE]

TO: JEROME H. MOROUX

ATTORNEY AT LAW

P.O. BOX 3524

LAFAYETTE, LA 70502-3524

FROM: **Becky P. Patin**

Clerk of Court, St. Martin Parish

P. O. Box 308, St. Martinville, LA 70582

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. # 91096-D

PROBATE NO.

JOHN BREAUX

VS.

SENTRY SELECT INSURANCE COMPANY,
ET AL

I AM ENCLOSING (2) CITATIONS ALONG WITH TRUE COPIES OF THE PETITION FOR SERVICE ON ROBERT F. GARVEY, III AND EAST-WEST EXPRESS, INC. THROUGH VIA LONG ARM STATUTE AS PER YOUR REQUEST OF OUR OFFICE.

Date of Notice November 23, 2021

FARREN NARCISSE
Deputy Clerk of Court

CITATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

SENTRY SELECT INSURANCE COMPANY
VIA AGENT FOR SERVICE OF PROCESS: LOUISIANA SECRETARY OF STATE
8585 ARCHIVES AVENUE
BATON ROUGE, LA 70809

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 23RD day of NOVEMBER, 2021.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Corrin J. Alexander

Deputy Clerk of Court

REQUESTED BY:
JEROME H. MOROUX
ATTORNEY FOR JOHN BREAUX

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

TO: Sheriff

P. O. Box 3277

Baton Rouge, LA 70821-3277

FROM: **Becky P. Patin**

Clerk of Court, St. Martin Parish

P. O. Box 308, St. Martinville, LA 70582

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. # 91096-D

PROBATE NO.

JOHN BREAUX

VS.

SENTRY SELECT INSURANCE COMPANY,
ET AL

I AM ENCLOSING (1) CITATION ALONG WITH TRUE COPIES OF THE PETITION FOR SERVICE ON SENTRY SELECT INSURANCE COMPANY VIA AGENT FOR SERVICE OF PROCESS: LOUISIANA SECRETARY OF STATE. ALSO, ENCLOSED IS A CHECK TO YOU IN THE AMOUNT OF \$39.36 FOR SERVICE AND A CHECK TO THE SECRETARY OF STATE IN THE AMOUNT OF \$50.00.

Date of Notice November 23, 2021

FARREN NARCISSE
Deputy Clerk of Court

FAX CONFIRMATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096
Division: D
16th Judicial District Court
Parish of St. Martin
State of Louisiana
Tax ID # 726001272

YOU ARE HEREBY INFORMED BY THIS FAX CONFIRMATION NOTICE THAT THE FOLLOWING HAS BEEN FILED BY FACSIMILE.

DATE FAX TRANSMISSION RECEIVED: 11.16.21

DESCRIPTION OF TRANSMISSION: DAMAGES

FILED ON BEHALF OF: _____

PERSON SIGNING PLEADING: J. MOROUX

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per LA R.S. 13:850.

The original pleading is to be forwarded within SEVEN (7) days, exclusive of legal holidays, of this confirmation together with the \$5.00 transmission fee; \$15.00 fee for this confirmation(WILL BE ADDED TO AMOUNT DUE); the correct filing fee to cover the cost of filing the facsimile copy as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this confirmation and the original pleading, PLEASE ADD CASE NUMBER.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Engin A. ul
Deputy Clerk of Court

Confirmation faxed to number: 233.2353

Date confirmation faxed: 11.16.21

Amount due: \$770.00

[FILE]

Richard C. Broussard*†
Blake R. David*†
Jerome H. Moroux†
J. Derek Aswell†
Robert B. Braham, Jr.
Kenneth P. Hebert
Scott M. Richard
D'Ann R. Penner
Reed K. Kreger

**BROUSSARD
& DAVID**

JUSTICE. OBTAINED.

Attorneys at Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(888)337-2323 Toll Free
justiceobtained.com

November 16, 2021

Facsimile and Federal Express
Clerk of Court, St. Martin Parish
415 St Martin Street
St. Martinville, LA 70582

FILE

RE: John Breaux, et al v. Sentry Select Insurance, et al
Docket No.: 091096-D

Dear Clerk:

Please find enclosed the original and service copies of a Petition, Interrogatories and Request for Production of Documents for filing in the above captioned matter. Please serve all pleadings on the defendants indicated and notify me when service has been made. Please return the enclosed copy of this correspondence showing the docket number and date and time of filing. Also enclosed is our check in the amount of \$~~710.00~~ to cover the cost of filing and service fees.

In accordance with LSA-C.C.P. Article 1572, you are requested to give us written notice by mail, ten days in advance, of the date fixed for the trial or hearing of this case, whether on exceptions, motions, rules or the merits. We also request immediate notice of all orders or judgments, whether interlocutory or final, made or entered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case is taken under advisement, or if the judgment is not signed at the conclusion of this trial.

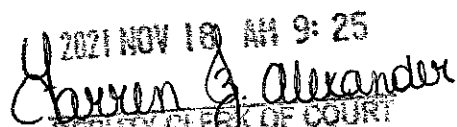
With kind regards, I am,

Yours truly,


Jerome H. Moroux

JHM/jbd
Enclosures

RECEIVED AND FILED

2021 NOV 18 AM 9: 25

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

*Board Certified-Civil Trial Advocacy, National Board of Trial Advocacy
†A Professional Law Corporation

CITATION

BRASSEAU, BRENT

Versus

MAISON INSURANCE COMPANY



Case: 091095

Division: C

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

MAISON INSURANCE COMPANY
THROUGH CT CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION FOR DAMAGES of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 17TH day of November, 2021.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY:

H. J. Alexander

Deputy Clerk of Court

REQUESTED BY:

BRIAN J. HOUGHTALING

ATTORNEY FOR BRENT BRASSEAU

I made service on the named party through the
CT Corporation

Service Information

NOV 23 2021

Received on the _____ day of _____, 20____, by tendering a copy of this document to _____ and _____, _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ 0

By:

Deputy Sheriff

RECEIVED AND FILED

DEC - 7 2021

Deputy Clerk of Court
St. Martin Parish, LA

[RETURN]

NOTICE OF SERVICE

BRASSEAU, BRENT

Versus

MAISON INSURANCE COMPANY



Case: 091095

Division: C

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

BRIAN J HOUGHTALING
HOUGHTALING LAW FIRM LLC
3500 NORTH HULLEN STREET
METAIRIE, LA 70002

Date of Service: Tuesday, November 23, 2021

Number of Service: 1

Personal/Domiciliary: Personal on Maison Insurance Company through CT Corporation System

Issued by the Clerk of Court on the 7th day of December, 2021.

Harmon G. Alexander

Deputy Clerk of Court

Pleading Served
Citation

CITATION

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

SENTRY SELECT INSURANCE COMPANY
 VIA AGENT FOR SERVICE OF PROCESS: LOUISIANA SECRETARY OF STATE
 8585 ARCHIVES AVENUE
 BATON ROUGE, LA 70809

of EAST BATON ROUGE Parish, Louisiana.

You are hereby summoned to comply with the demand contained in the PETITION of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 23RD day of NOVEMBER, 2021.

BECKY P. PATIN

Clerk of the 16th Judicial District Court for
 St. Martin Parish, Louisiana

BY:

Deputy Clerk of Court

REQUESTED BY:

JEROME H. MOROUX

ATTORNEY FOR JOHN BREAUX

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____

Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of _____

I made service on the named party through _____ day of _____, 20____
 Office of the Secretary of State on _____

Service

Mileage

Total

DEC 02 2021 By: _____
 by tendering a copy of this document to:
 JULIE NESBITT
 DY. L. Kling #0536
 Deputy Sheriff, Parish of East Baton Rouge, LA

Deputy Sheriff

RECEIVED AND FILED

DEC 20 2021

Deputy Clerk of Court
 St. Martin Parish, LA

[RETURN]

NOTICE OF SERVICE

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096
Division: D
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

JEROME H MOROUX
BROUSSARD & DAVID
PO BOX 3524
LAFAYETTE, LA 70502

Date of Service: Thursday, December 02, 2021

Number of Service: 1

Personal/Domiciliary: Personal on Sentry Select Insurance Company through Louisiana Secretary of State

Issued by the Clerk of Court on the 20th day of December, 2021.

Handwritten signature of Karen J. Alexander in black ink.

Deputy Clerk of Court

Pleading Served
Citation

RABALAIS & HEBERT

A Limited Liability Company
Attorneys and Counselors at Law

701 Robley Drive, Suite 210
Lafayette, Louisiana 70503
www.rabalaishebert.com

STEVEN B. RABALAIS
CHRISTOPHER H. HEBERT
BLAKE T. COUVILLION

Telephone (337) 981-0309
FAX (337) 981-0905
Writer's E-mail srabalais@rhhnet.com

January 5, 2022

Of Counsel:
FRED W. DAVIS
MELVIN A. EIDEN

FILE

633
St. Martin Parish Clerk of Court
Attn: Civil Dept.
P.O. Box 308
St. Martinville, LA 70582

Re: John Breaux v. Sentry Select Ins. Co., et al
Docket No. 091096-D, St. Martin Parish

Dear Clerk:

Enclosed please find the Answer, Request for Notice of Trial Date and Order Granting Trial by Jury on behalf of Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company to be filed into the record of the above referenced matter. Please present the Order to the appropriate Judge for his/her consideration and signature. Once signed, please forward a conformed copy to counsel of record in the envelope provided.

Our firm's check in the amount of \$350.00 is enclosed to cover the costs associated with this filing, as per your office.

Thank you for your courtesies regarding this matter.

Sincerely,



STEVEN B. RABALAIS

SBR/slw
Enclosures

cc: Mr. Jerome Moroux (via email: jerome@broussard-david.com)

RECEIVED AND FILED

JAN 07 2022

Deputy Clerk of Court
St. Martin Parish, LA

JOHN BREAUX	*	16 TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS,	*	STATE OF LOUISIANA
INC. AND ROBERT F. GARVEY, III	*	

ANSWER

NOW INTO COURT, through undersigned counsel, come Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company, defendants herein, who answer the Petition for Damages of John Breaux as follows:

1.

For Answer to Article I, Mr. Robert Garvey admits his name and domicile. East-West Express, Inc. admits its name and that it is a foreign corporation domiciled in the State of Georgia. Sentry Select Insurance Company admits its name and that it is a foreign insurance company authorized to do and doing business in the State of Louisiana. Any remaining allegations of Article 1 are denied for lack of sufficient information to justify a belief therein. Liability herein is denied.

2.

Except to admit that the front of the vehicle being driven by Mr. Garvey made contact with the rear of the vehicle driven by Mr. Breaux, but only after the Breaux vehicle had first collided with the vehicle ahead of it (driven by Ms. Piper Blancher), the allegations of Article 2 are denied. Liability of any kind or character on the part of Mr. Garvey or his employer or his/its insurer is denied

3.

Each of the allegations of Article 3 is denied.

4.

Each of the allegations of Article 4 is denied.

5.

The allegations of Article 5 are denied for lack of sufficient information to justify the belief therein.

6.

The allegations of Article 6 are denied for lack of sufficient information to justify the belief therein.

7.

Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company are entitled to, and pray for, trial by jury on all the issues herein.

AND NOW, in further Answering the Petition for Damages of Plaintiff John Breaux, Defendants Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company affirmatively avers as follows:

8.

That the accident sued upon occurred without negligence or fault on the part of either Mr. Garvey or East-West Express, Inc. Defendants Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company hereby assert the defense and doctrine of "Sudden Emergency" to exonerate Mr. Garvey, his employer, and his insurer herein or in the alternative, to reduce any recovery herein by or on behalf of Mr. Breaux.

9.

Pleading in the alternative, it is averred that the subject accident caused by the negligence, imprudence, want of skill and/or fault of the Plaintiff Mr. Breaux in the following non-exclusive particulars: in colliding with the Blancher Volvo ahead, which created of him to create an obstruction to the flow of traffic for Mr. Garvey; in suddenly decelerating/braking ahead of Mr. Garvey; in failing to maintain control of his vehicle; in failing to have avoided an accident; in failing to keep a proper lookout: and for other acts or omissions constituting negligence and/or fault to be determined upon proper discovery and litigation of this cause.

10.

Upon the foregoing grounds, these Defendants plead the fault of Mr. Breaux as the defense of comparative negligence/comparative fault and pray that any recovery herein by or on behalf of Mr. Breaux be reduced in proportion to the percentage of fault found properly attributable to him.

11.

Pleading in the alternative, and to the extent that the subject accident was not caused by the sole fault of Mr. Breaux, it is averred that the subject accident was caused, in whole or in part, by the negligence/fault, of Mr. Piper Blancher and/or the

presently unidentified motorists travelling ahead of Ms. Blancher and Mr. Breaux for suddenly braking/decelerating on an interstate highway thereby creating a hazard and obstruction to the flow of traffic for vehicles travelling behind them; failing to maintain control of his/her vehicle; failing to keep a proper lookout; failing to give proper warning of his/her action; failing to have properly adjusted to traffic conditions; and other acts or omissions to be determined upon proper discovery and litigation of this cause. The fault of each of the drivers referenced herein—regardless of whether the identity of the driver is known—is asserted as the defense of Third-Party Fault.

12.

These defendants pray that there be a specific determination and allocation by the trier of fact in this case as to the degrees of fault of all potentially liable parties, including but not limited to Mr. Breaux, Ms. Blancher, and other presently unidentified drivers travelling ahead of him/her. Defendants Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company deny that they are in any manner solidarily liable with any of the persons identified above. Defendants Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company reiterate their denial of liability of any kind or character.

13.

These defendants aver that to the extent that any of the plaintiff's medical expenses or other damages have been or will be paid by a third party in whose favor a right of subrogation exists, including but not limited to any medical payments coverage, collision or other property damage coverage, health insurance coverage, worker's compensation coverage, occupational accident coverage, payments by Medicaid, payments by Medicare, or any other third-party payments, that the plaintiff is without a right of action to recover those previously-paid damages from the defendants herein. These defendants further aver that any obligation to pay said expenses has been extinguished.

14.

These defendants further aver that to the extent that any subsequent accident and/or incident and/or trauma and/or any other factor independent of the subject accident has caused an aggravation and/or exacerbation and/or worsening of plaintiff's

conditions, that said event is hereby pled as the defense of superseding and/or intervening cause of injury.

15.

These defendants further assert the defense of failure to mitigate damages.

16.

Pursuant to LSA- RS 32:866, in the event it is determined that the plaintiff did not have a policy of liability insurance in effect at the time of the subject accident, defendants affirmatively plead the "no pay no play defense," which bars recovery for the first fifteen thousand dollars of bodily injury and for the first twenty-five thousand dollars of property damage based on any cause or right of action arising out of a motor vehicle accident, for such injury or damages occasioned by an owner or operator of a motor vehicle involved in such accident who fails to own or maintain compulsory motor vehicle liability security.

17.

Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company reserve all rights to assert additional affirmative defenses and/or incidental demands as investigation and discovery proceed.

WHEREFORE, premises considered, Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company pray that their Answer to the Petition for Damages of John Breaux be deemed good and sufficient and that after due proceedings are had that there be judgment herein and in their favor dismissing all demands of plaintiff, John Breaux, with prejudice, and at the cost and expense of plaintiff herein.

Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company are entitled to and do pray for trial by jury on all issues herein.

AND FOR ALL GENERAL AND EQUITABLE RELIEF, ETC.

Respectfully submitted,

RABALAIS & HEBERT, LLC

BY: 

STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
MELVIN A. EIDEN (#19557)
701 Robley Drive, Suite 210
Lafayette, LA 70503
Telephone: (337) 981-0309
Fax: (337) 981-0905
Email: srabalais@rhhnet.com
blake@rhhnet.com
meiden@rhhnet.com

CERTIFICATE OF SERVICE

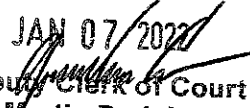
I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded to counsel of record via electronic mail, facsimile, and/or by placing a copy of same in the United States Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 5th day of January 2022.



STEVEN B. RABALAIS

RECEIVED AND FILED

JAN 07 2022

Deputy Clerk of Court
St. Martin Parish, LA

JOHN BREAUX	*	16 TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS,	*	
INC. AND ROBERT F. GARVEY, III	*	STATE OF LOUISIANA

REQUEST FOR NOTICE OF TRIAL DATE, ETC.

TO THE CLERK OF COURT for the 16th Judicial District Court, Parish of St.
Martin, Louisiana:

Please take notice that RABALAIS & HEBERT, LLC, attorneys for Robert F.
Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company do hereby
request written notice of the date of trial of the above matter as well as notice of
hearings (whether on the merits or otherwise), orders, judgments and interlocutory
decrees, and any and all formal steps taken by the parties herein, the Judge or any
member of Court, as provided in Louisiana Code of Civil Procedure, particularly Articles
1572, 1913 and 1914.

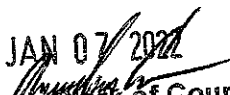
Respectfully submitted;

RABALAIS & HEBERT, LLC

BY:


STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
MELVIN A. EIDEN (#19557)
701 Robley Drive, Suite 210
Lafayette, LA 70503
Telephone: (337) 981-0309
Fax: (337) 981-0905
Email: srabalais@rhhnet.com
blake@rhhnet.com
meiden@rhhnet.com

RECEIVED AND FILED

JAN 07 2022

Deputy Clerk of Court
St. Martin Parish, LA

JOHN BREAU	*	16 TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS,	*	
INC. AND ROBERT F. GARVEY, III	*	STATE OF LOUISIANA

ORDER GRANTING TRIAL BY JURY

Considering the jury demand of Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company:

IT IS ORDERED that this matter be tried BY JURY, upon the posting of bond in the amount of _____, with good and sufficient surety, _____ days prior to trial.

Signed in _____, this _____ day of _____, 2022.

DISTRICT JUDGE

*See Attached
Order*

RECEIVED AND FILED

JAN 07 2022
Deputy Clerk of Court
St. Martin Parish, LA

JOHN BREAUX

VS. 91096

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

16th JUDICIAL DISTRICT COURT

PARISH OF ST. MARTIN

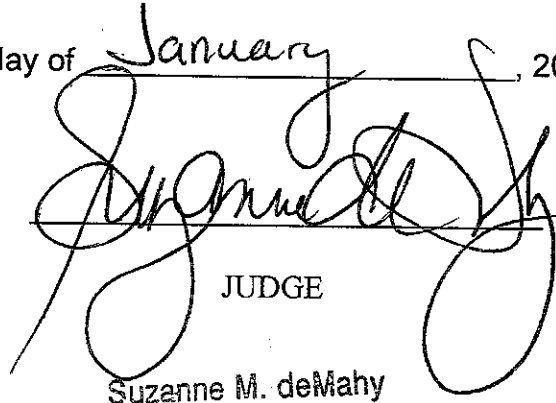
STATE OF LOUISIANA

JURY ORDER


Considering the request for trial by jury, IT IS ORDERED that this matter be tried before a jury, and the mover, ROBERT F. GARVEY, III, EAST-WEST EXPRESS, INC. AND SENTRY SELECT INSURANCE COMPANY pursuant to CCP Article 1734.1, is hereby ordered, in lieu of the bond required in CCP Article 1734, to deposit the Amount of Five Thousand and No/100 (\$5,000.00) dollars. Said cash bond to be filed no later than sixty (60) days prior to the trial date. This amount to be deposited in the escrow account of this proceeding and used to pay jury costs.

In addition, pursuant to R.S. 13:3049 (B) (2) (a) at the time of this jury cost deposit, mover shall pay to the Clerk of Court the sum of One Hundred Fifty and No/100 (\$150.00) dollars as jury filing fee.

St. Martinville, Louisiana this 10th day of January, 2022


JUDGE
Suzanne M. deMahy

RECEIVED AND FILED

JAN 07 2022

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

NOTICE OF FIXING JURY BOND

JOHN BREAUX

STATE OF LOUISIANA

Vs. NO. 91096

16th JUDICIAL DISTRICT COURT

SENTRY SELECT INSURANCE
COMPANY, ET AL

PARISH OF ST. MARTIN

JEROME H. MOROUX
SCOTT M. RICHARD
ATTORNEYS AT LAW
P.O. BOX 3524
LAFAYETTE, LA 70502-3524

STEVEN B. RABALAIS
BLAKE T. COUVILLION
MELVIN A. EIDEN
ATTORNEYS AT LAW
701 ROBLEY DRIVE, SUITE 210
LAFAYETTE, LA 70503

Pursuant to your motion, the Court has entered an order, a copy of which is enclosed, granting a jury trial in the above captioned matter, conditioned upon your client posting the bond referred to therein within the time specified, and payment of all other sums when and as required by law.

Also enclosed is a copy of Rule 10.5 of this Court. You are cautioned that immediately upon the conclusion of the trial, regardless of the outcome, the presiding judge, pursuant to Rule 10.5, will enter an order, a copy of which is also enclosed, requiring your client to advance an amount sufficient to cover all costs related to the trial by jury within ten (10) days thereafter. You and your client should be prepared to comply with that order and this is to give you sufficient advance notice beforehand.

Of course, as provided by Rule 10.5 and the order, your client's right to recover the amount advanced from the party or parties cast for costs when the judgment eventually entered herein becomes executory, will be reserved to you.

St, Martinville, Louisiana, this 11TH day of JANUARY, 2022.

BECKY P. PATIN
CLERK OF COURT
ST. MARTIN PARISH

BY: 
DEPUTY CLERK OF COURT

Richard C. Broussard**†
Blake R. David**†
Jerome H. Moroux†
J. Derek Aswell†
Robert B. Braham, Jr.
Kenneth P. Hebert
Scott M. Richard
Reed K. Kreger

**BROUSSARD
& DAVID**

JUSTICE. OBTAINED.

Attorneys at Law
557 Jefferson Street
Post Office Box 3524
Lafayette, Louisiana 70502-3524

(337)233-2323 Telephone
(337)233-2353 Fax
(888)337-2323 Toll Free
justiceobtained.com

May 24, 2022

Clerk of Court, St. Martin Parish
Attn: Civil Department
415 St Martin Street
St. Martinville, LA 70582

FILE


RE: John Breaux, et al v. Sentry Select Insurance, et al
Docket No.: 091096-D

Dear Clerk:

Please find enclosed the original and one copy of an Affidavit in connection with the above captioned matter. Please file the original and stamped the extra copy with the date and time of filing. Please return the stamped copy to my office in the pre-paid envelope provided.

With kind regards, I am,

Yours truly,


Scott M. Richard

SMR/jbd
Enclosures

RECEIVED AND FILED

MAY 27 2022 -

Deputy Clerk of Court
St. Martin Parish, LA

*Board Certified-Civil Trial Advocacy, National Board of Trial Advocacy
†A Professional Law Corporation

JOHN BREAUX

16th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST. MARTIN

SENTRY SELECT INSURANCE
COMPANY, EAST-WEST EXPRESS,
INC. AND ROBERT F. GARVEY, III

STATE OF LOUISIANA

DOCKET NO.: 091096-D

STATE OF LOUISIANA

PARISH OF LAFAYETTE

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared Janey B. Derouen, Post Office Box, 3524 Lafayette, LA 70502. , after being duly sworn, said that on December 9, 2021, she served a copy of the Citation, Petition, Interrogatories and Request for Production in this action, under the Louisiana Long Arm Statute, Revised Statute 13:3201, my mailing them to ROBERT F. GARVEY, by certified mail, return receipt requested, properly address and postage paid; that the Citation, Petition, Interrogatories and Request for Production were delivered and received by defendant, that she received the postal receipt attached hereto indicating that same had been delivered to defendant.



JANEY B. DEROUEN
Paralegal to Jerome H. Moroux

SWORN TO AND SUBSCRIBED before me, Notary Public, this 25th day of May, 2022.



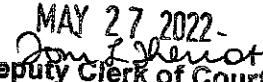
NOTARY PUBLIC

Print Name: Scott M. Richard

No. 36643

Commission Non-Expiring

RECEIVED AND FILED

MAY 27 2022

Deputy Clerk of Court
St. Martin Parish, LA

7017 2400 0001 1455 2845

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fees as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$

Sent To **Mr. Robert F. Garvey**
Street and Apt. No., or PO Box **63 S. Villa Road**
City, State, ZIP+4® **Villa Rica, GA 30180**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

DEC 09 2021
Postmark Here
USPS 70509

PS Form 3811, July 2020 PSN 7530-02-000-9053

7017 2400 0001 1455 2845

2. Article Number (transfer from service label)
9590 9402 6673 1060 9972 79

Mr. Robert F. Garvey
63 S. Villa Road
Villa Rica, GA 30180

1. Article Addressed to:
or on the front if space permits.
■ Attach this card to the back of the mailpiece, so that we can return the card to you.
■ Print your name and address on the reverse
■ Complete items 2, 3, and 4

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over \$500)

4. Signature
☒ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Priority Mail Express®

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

B. Received by (Printed Name) *Robert F. Garvey*
C. Date of Delivery *12/14/21*
X. Agent ☒ Addressee ☐

COMPLETE THIS SECTION ON DELIVERY

SENDER, COMPLETE THIS SECTION

EXHIBIT
A

RABALAIS, HEBERT & COUVILLION

A Limited Liability Company
Attorneys and Counselors at Law

701 Robley Drive, Suite 210
Lafayette, Louisiana 70503
www.rhclawfirm.com

STEVEN B. RABALAIS
CHRISTOPHER H. HEBERT
BLAKE T. COUVILLION

Telephone (337) 981-0309
FAX (337) 981-0905
Writer's E-mail: meiden@rhnet.com

Of Counsel:
FRED W. DAVIS
MELVIN A. EIDEN

July 20, 2022

FILE

633
St. Martin Parish Clerk of Court
P.O. Box 308
St. Martinville, LA 70582

Re: John Breaux v. Sentry Select Ins. Co., et al
16th JDC / Docket No. 091096-D / Parish of St. Martin

Dear Sir/Madam:

Please find enclosed the following documents on behalf of defendants, **East-West Express, Inc., Robert F. Garvey, III and Sentry Select Insurance Company**, in connection with the above matter:

1. Motion to Compel Discovery Responses;
2. Memorandum in Support of Motion to Compel Discovery Responses;
3. Certificate of Rule 10.1 Conference; and
4. Order

Please forward the documents to the appropriate Judge for his/her consideration and execution. Thereafter, please file the original documents into the records of your office. I have enclosed our firm's check in the amount of \$150.00 for associated filing fees and to effect service as indicated on the bottom of the Order.

Should you have any questions, please do not hesitate to contact me.

With kindest regards, I remain

Sincerely yours,

/s/ Melvin A. Eiden

RECEIVED AND FILED

MELVIN A. EIDEN 2022 JUL 22 AM 9: 33

Kristie Pigeon
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

MAE/msd
Enclosures
cc: All Counsel (via email)

JOHN BREAU	*	16TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS,	*	STATE OF LOUISIANA
INC. AND ROBERT F. GARVEY, III		

MOTION TO COMPEL DISCOVERY RESPONSES

NOW INTO COURT, through undersigned counsel, come defendants, **East-West Express, Inc., Robert F. Garvey, III and Sentry Select Insurance Company**, who move this Court for an Order Compelling Discovery Responses upon representing that:

1.

On January 31, 2022. defendants served on plaintiff, John Breau, through his counsel of record, Interrogatories, Request for Production of Documents and a medical authorization in this matter pursuant to La. C. C. P. article 1421.

2.

Plaintiff has not served upon defendants either answers, responses or objections to the Interrogatories, Requests for Production and/or medical authorization and the delay allowed for such answers, responses or objections to be filed has now passed.

3.

Defendants are entitled to have the information requested in the Interrogatories and the Requests for Production of Documents, as well as the executed medical authorization, and hereby moves, pursuant to La. C.C. P. article 1469 for an order compelling response to the discovery and production of the medical authorization.

4.

Counsel for Defendants hereby certifies that, a conference with plaintiff's counsel was conducted on May 24, 2022, to attempt to obtain the responses to the propounded discovery. A thirty-day extension was granted for plaintiff to respond. Despite this attempt at amicable resolution plaintiffs have not responded to the discovery and authorization previously propounded.

5.

Defendants further show that defendants have incurred expenses, including attorney's fees, in bringing this rule compelling the plaintiffs to answer the Interrogatories, respond to the Request for Production and provide the authorization, and defendants desire to recover all costs and expenses incurred herein.

WHEREFORE, defendants, **East-West Express, Inc., Robert F. Garvey, III and Sentry Select Insurance Company**, pray that this Court issue an Order compelling the plaintiff to answer the Interrogatories, respond to the Request for Production of Documents and provide the medical authorization propounded by defendants. and also why the plaintiff should not be cast with the costs of the rule, together with reasonable attorney's fees. Defendants further pray for all legal and equitable relief.

Respectfully submitted:

RABALAIS, HEBERT & COUVILLION, LLC

s/ Melvin A. Eiden

STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
MELVIN A. EIDEN (#19557)
701 Robley Drive, Suite 210
Lafayette, LA 70503
Telephone: (337) 981-0309
Facsimile: (337) 981-0905
Email: srabalais@rhhnet.com
Email: blake@rhhnet.com
Email: meiden@rhhnet.com
ATTORNEYS FOR DEFENDANTS, East-West Express, Inc., Robert F. Garvey, III and Sentry Select Insurance Company

RECEIVED AND FILED

2022 JUL 22 AM 9:33

Kristi Dyer
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded as follows:

<input type="checkbox"/>	U.S. Mail (First Class)
<input type="checkbox"/>	Hand Delivery
<input type="checkbox"/>	Facsimile
<input type="checkbox"/>	Overnight Delivery
<input checked="" type="checkbox"/>	E-Mail – All Counsel

Lafayette, Louisiana on this 20TH day of July, 2022.

s/ Melvin A. Eiden

STEVEN B. RABALAIS
BLAKE T. COUVILLION
MELVIN A. EIDEN

RECEIVED AND FILED

2022 JUL 22 AM 9:33

Kristin Pijer
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

JOHN BREAUX	*	16TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE COMPANY, EAST-WEST EXPRESS, INC. AND ROBERT F. GARVEY, III	*	PARISH OF ST. MARTIN
	*	STATE OF LOUISIANA

ORDER

Considering the foregoing Motion to Compel filed herein and the documents attached thereto:

IT IS ORDERED that the plaintiff, John Breaux, show cause on the 15th day of September, 2022, at 9:00 o'clock a.m., as a 3rd filing why he should not be compelled to answer the Interrogatories and respond to the Requests for Production of Documents, as well as the executed medical authorizations, propounded by defendants, **East-West Trucking, Inc., Robert F. Garvey III and Sentry Select Insurance Company**, and why plaintiff should not be cast with the costs of the rule, together with reasonable attorney's fees.

THUS DONE AND SIGNED this 22nd day of July, 2022,
at St. Martinville, Louisiana.


DISTRICT JUDGE


PLEASE SERVE:

Curtis Sigur

JOHN BREAUX
Through his attorney of record
Mr. Jerome H. Moroux
Mr. Scott M. Richard
Broussard & David, LLC
557 Jefferson St
Lafayette, LA 70501

RECEIVED AND FILED

2022 JUL 22 AM 9:34


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

JOHN BREAUX	*	16TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS,	*	
INC. AND ROBERT F. GARVEY, III	*	STATE OF LOUISIANA

**MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL DISCOVERY RESPONSES**

MAY IT PLEASE THE COURT:

Presently before the Court is the Motion to Compel filed by defendants, East-West Express, Inc., Robert F. Garvey, III and Sentry Select Insurance Company, against plaintiff, John Breaux.

On January 31, 2022, defendants propounded Interrogatories, Requests for Production and various authorization forms upon plaintiff pursuant to La. C.C. p. article 1421. The time period for responses has long expired. (See Interrogatories and Request for Production of Documents attached hereto as Exhibit "A").

To secure discovery response, undersigned counsel convened a telephone conference pursuant to La. C.C. P. Rule 10.1 conference which was conducted on May 24, 2022. A thirty-day extension was granted for plaintiff to respond to the outstanding discovery. (Exhibit B). However, despite these efforts, the responses to the Interrogatories, Requests for Production and authorizations remain outstanding. Accordingly, the instant Motion to Compel is being submitted on behalf of defendants, pursuant to La. C.C. P. article 1421 et seq.

In this case, the written discovery responses from plaintiff, John Breaux, are required in order to obtain the information necessary to properly evaluate, litigate and eventually dispose of the above-captioned matter. All efforts to obtain this information by amicable means have proved fruitless and the subject Motion to Compel is therefore filed pursuant to La. C.C. P. rule 10.1.

Defendants accordingly pray that its Motion to Compel be granted and that reasonable attorney's fees and costs be awarded pursuant to

AND FOR ALL GENERAL AND EQUITABLE RELIEF, ETC.

Respectfully submitted:

RABALAIS, HEBERT & COUVILLION, LLC

s/ Melvin A. Eiden

STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
MELVIN A. EIDEN (#19557)
701 Robley Drive, Suite 210
Lafayette, LA 70503
Telephone: (337) 981-0309
Facsimilie: (337) 981-0905
Email: srabalais@rhhnet.com
Email: blake@rhhnet.com
Email: meiden@rhhnet.com
ATTORNEYS FOR DEFENDANTS, East-
West Express, Inc., Robert F. Garvey, III
and Sentry Select Insurance Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded as follows:

---	U.S. Mail (First Class)
---	Hand Delivery
---	Facsimile
---	Overnight Delivery
X	E-Mail – All Counsel

Lafayette, Louisiana on this 20TH day of July, 2022.

s/ Melvin A. Eiden

STEVEN B. RABALAIS
BLAKE T. COUVILLION
MELVIN A. EIDEN

RECEIVED AND FILED

2022 JUL 22 AM 9: 33

Kristi Pui
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

RABALAIS & HEBERT

A Limited Liability Company
Attorneys and Counselors at Law

701 Robley Drive, Suite 210
Lafayette, Louisiana 70503
www.rabalaishebert.com

STEVEN B. RABALAIS
CHRISTOPHER H. HEBERT
BLAKE T. COUVILLION

Of Counsel:
FRED W. DAVIS
MELVIN A. EIDEN

Telephone (337) 981-0309
FAX (337) 981-0905
Writer's E-mail srabalais@rhhnet.com

January 31, 2022

VIA CERTIFIED MAIL-RRR

7020 2450 0001 9809 5510

VIA EMAIL: jerome@broussard-david.com

633

Mr. Jerome H. Moroux
Mr. Scott M. Richard
Broussard & David, LLC
P.O. Box 3524
Lafayette, LA 70502-3524

Re: John Breaux v. Sentry Select Ins. Co., et al
16th JDC No. 091096-D, St. Martin Parish


Dear Jerome:

Enclosed please find Interrogatories and Requests for Production of Documents propounded to your client, John Breaux, by defendants Robert F. Garvey, III, East-West Express, Inc. and Sentry Select Insurance Company. Please respond within the legal delays.

Pursuant to LSA-C.C.P. Art. 1474B, I have retained the original copy in my file.

Thank you for your professional courtesies regarding this matter.

With best wishes, I remain

Sincerely,

STEVEN B. RABALAIS

SBR/slw
Enclosures

EXHIBIT A

JOHN BREAUX	*	16 TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS,	*	
INC. AND ROBERT F. GARVEY, III	*	STATE OF LOUISIANA

INTERROGATORIES

TO: Plaintiff, John Breaux
Through his counsel of record
Mr. Jerome H. Moroux
Mr. Scott M. Richard
Broussard & David, LLC
P.O. Box 3524
Lafayette, LA 70502-3524

YOU ARE HEREBY NOTIFIED to answer under oath the interrogatories set out below within thirty (30) days of the time service is made upon you in accordance with Articles 1457, 1458, 1459 and 1428 of the Louisiana Code of Civil Procedure, which interrogatories are intended to be, and should be considered continuing as follows:

INSTRUCTIONS FOR USE:

- A. All information is to be divulged which is in the possession of the individual or corporate party, attorneys, investigators, agents, employees or other representatives of the named party and attorney.
- B. Where an individual interrogatory calls for an answer which involves more than one part, each part of the answer should be clearly set out so that it is understandable.
- C. Where the terms "you," "plaintiff," or "defendant" are used, they are meant to include every individual party and separate answers should be given for each person named as a party to whom these interrogatories are addressed.
- D. Where the term "occurrence" is used, it is meant to mean the incident which is the basis of this lawsuit, unless otherwise specified.

INTERROGATORY NO. 1:

Please state your:

- (a) Full name and address;
- (b) Exact date and place of birth;
- (c) Social Security number;
- (d) Driver's License Number.

INTERROGATORY NO. 2:

Please identify, giving name, address and telephone number, each and all health care providers by whom or at which you were either examined or treated at any time from 15 years prior to the accident sued upon through the point of final dismissal of the subject lawsuit. As used in this interrogatory, "health care provider" means any dentist, physician, physical therapist, ophthalmologist, optometrist, eye doctor, chiropractor, psychologist, hospital or clinic. **Please specifically identify which of the identified health care providers treated you for accident-related injuries and also, as to any accident-related health care providers, whether those providers were either "in network" or "out of network" (according to the plaintiff's health insurer) following the subject accident.**

INTERROGATORY NO. 3:

Please describe in detail the nature of the physical injury or injuries you alleged that you suffered as a result of the accident referred to in your petition, specifying each and every injury to a portion of your body separately.

INTERROGATORY NO. 4:

Please identify each and every pharmacy at which you have had a prescription filled for the period of time from five years prior to the date of the accident to the present. As used in this interrogatory, "pharmacy" would include any pharmacy contained within any larger department store or grocery store or other similar business establishment.

INTERROGATORY NO. 5:

Please identify, giving the date and location, each and every accident that you have sustained in your lifetime. As used in the interrogatory, "accident" means any unforeseen trauma to the body or mind that produced physical or mental injury of any kind or character.

INTERROGATORY NO. 6:

Please identify the type and amount of alcohol, sedative, tranquilizer, medicine, pill or other drugs taken/ingested during the 24 hours immediately preceding the occurrence.

INTERROGATORY NO. 7:

Please state the extent of your schooling, including but not limited to any vocational education, the place or places where it was obtained and the year in which you obtained your formal education.

INTERROGATORY NO. 8:

If you have ever been convicted of any crimes (felonies or misdemeanors), please describe the offense or offenses, when and where committed, and under what name or names you were convicted or pled guilty, and when and in what city, county or parish and state.

INTERROGATORY NO. 9:

Please state for the fifteen (15) years immediately preceding the date of the incident referred to in the petition:

- (a) The name and addresses of each of your employers;
- (b) The dates of commencement and termination of each such source of employment and your average weekly wages.

INTERROGATORY NO. 10:

Please state whether, at any time in your life, you have applied for Social Security disability benefits. If your answer is "yes", please provide the following information:

- (a) The exact or approximate date on which each such application was made;
- (b) Whether such application was accepted or rejected;
- (c) The nature and extent of the physical or mental condition giving rise to your claim for disability.

INTERROGATORY NO. 11:

Please state the full name and last known address, giving the street, street number, city and state or information for the location of every person known to, or reasonably believed by you to have been an eyewitness to the occurrence and/or believed by you to have knowledge or information of any facts pertaining to this controversy.

INTERROGATORY NO. 12:

Have you or anyone acting on your behalf obtained statements in any form from any persons regarding any facts pertaining to this controversy? If so, please state:

- (a) The name and address of the person from whom any such statement was taken;
- (b) The date on which such statement was taken;
- (c) Whether the statement was recorded, written or oral;
- (d) The name and address of the person taking the statement;
- (e) The present custodian of the statement;
- (f) If you will do so without the necessity of our filing a motion to produce, kindly attach to your answers to interrogatories a copy of all written statements.

INTERROGATORY NO. 13:

Please identify, giving name, address and telephone number, each and every expert witness whom you have consulted and/or whom you intend to call at trial of this matter and indicate the field of expertise of each such expert; the subject matter on which the expert may or will testify and the substance of the facts to which the expert may or will testify.

INTERROGATORY NO. 14:

Please identify, giving name, address and telephone number, each and every person who may or will be called to testify at trial of this matter.

INTERROGATORY NO. 15:

Please identify each and every exhibit which you may or will offer at trial of this case.

INTERROGATORY NO. 16:

Please state whether, at the time of the subject accident of December 28, 2020, John Breaux maintained a policy of liability insurance on all vehicles owned by him. If your answer is in the affirmative, please give the following information:

- a) Identification of all vehicles owned by John Breaux, including VIN;
- b) The name of the insurance company (not insurance agent) reporting coverage on each such vehicle;
- c) The policy number on each such policy;
- d) The name of the insurance agent/broker through whom you obtained the coverage; and
- e) The liability limit for each such policy.

INTERROGATORY NO. 17:

If your answer to the preceding interrogatory was in the negative, please identify each vehicle owned by John Breaux for which there was no liability insurance on the date of the subject accident of December 28, 2020.

INTERROGATORY NO. 18:

What is your version of the accident sued on, and with regards thereto, please state:

- A. All facts upon which you base your version;
- B. What evidence, testimonial, documentary or otherwise, that you or your attorney or any other representative of yours have or have knowledge of which supports your version of the fact listed in answer to sub-part (A);
- C. What evidence, testimonial, documentary or otherwise, that you or your attorney or any other representative of yours have or have knowledge of which contradicts your version.

INTERROGATORY NO. 19:

With regard to each and every claim and/or lawsuit in which you have been involved, whether prior or subsequent to this lawsuit, and whether as a claimant, tortfeasor, plaintiff, or a defendant, please state the nature of the claim or lawsuit, an exact or approximate date on which the claim or suit was filed, the name of all parties involved, and if applicable, the court in which each suit was filed and the related the docket number of the suit.

INTERROGATORY NO. 20:

Please state in dollar amounts what you are claiming with respect to each category of damages asserted in your Petition for Damages (including but not limited to wage loss and/or loss of earning capacity and/or loss of business profits or income and/or any other economic loss of kind or character).

INTERROGATORY NO. 21:

Please identify by company name and policy/certificate number, any and all health and/or medical insurance, whether group or individual policies, you have had in place or any other health insurance you were covered by within the last five years prior to the date of the subject incident to the present, included but not limited to policies issued to you and/or your spouse and/or your family members and/or employers.

INTERROGATORY NO. 22:

With regard to the 2014 Chevrolet Silverado you were operating at the time of the subject accident, please provide the following information:

- a. Has the vehicle ever been involved in an accident before;
- b. All locations of where the vehicle has been brought for maintenance since you acquired said vehicle;
- c. Was the vehicle equipped with any onboard navigation / data tracking system (including but not limited to On-Star);
- d. Was the vehicle equipped with a "dash cam" or other photographic and/or videographic device?

INTERROGATORY NO. 23:

With regard to medical bills you have incurred as a result of this accident, please provide the following information:

- a. Are you a Medicare beneficiary? If so, please provide a Medicare ID # and specify whether any of the bills have been paid by Medicare?
- b. If your answer to the proceeding part is yes, please state whether you have notified Medicare of the accident. (If not, please do so.)
- c. Please state the amount of bills submitted to Medicare with regards to same.
- d. Please state the bills / amount paid by Medicare with regards to same.
- e. Are you a Medicaid beneficiary? If so, please provide your Medicaid ID # and specify whether any of the bills have been paid by Medicaid?
- f. If your answer to the proceeding part is yes, please state whether you have notified Medicaid of the accident. (If not, please do so.)
- g. Please state the amount of bills submitted to Medicaid with regards to same.
- h. Please state the bills / amount paid by Medicaid with regards to same.
- i. Please identify any payors of any of your bills other than Medicare or Medicaid.

INTERROGATORY NO. 24:

Please state whether you are presenting any claim for wage loss and/or loss of earning capacity and/or loss of business profits or income and/or any other economic loss of kind or character. If so, please provide the following information:

- A. Identify all evidence to document/prove such a claim, including both witnesses and exhibits;

B. The name of any and all CPAs and/or accountants and/or bookkeepers and/or enrolled agents and/or other tax preparer of any kind or character who has prepared either federal or state income tax returns for you (or any business entity for which you are claiming economic loss) for the period of time ranging from five years prior to the subject accident through the date of final dismissal of the lawsuit.

B. If you have not filed income tax returns for any of the aforereferenced years, please state your basis for not filing such returns.

INTERROGATORY NO. 25:

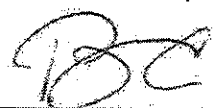
Please state whether you have paid any copay and/or coinsurance and/or deductible for accident-related medical treatment following the subject accident. If so, please itemize each such payment, including the amount you paid, the provider to whom it was paid, the date of payment, and the method of payment. Please also identify all documentation or proof of such payments.

INTERROGATORY NO. 26:

With whom did you have cellular phone service at the time of the accident and what was your cell phone number then?

RABALAIS & HEBERT, LLC

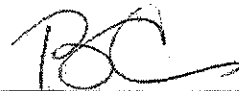
BY:


STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
701 Robley Drive, Suite 210
Lafayette, LA 70503
(337) 981-0309

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded to counsel of record via electronic mail and by placing a copy of the same in the United States mail, postage prepaid, and properly addressed.

Lafayette, Louisiana this 21st day of January 2022.



BLAKE T. COUVILLION

RECEIVED AND FILED

2022 JUL 22 AM 9:33

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

JOHN BREAUX	*	16 TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS, INC. AND ROBERT F. GARVEY, III	*	STATE OF LOUISIANA

REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: Plaintiff, John Breaux
Through his counsel of record
Mr. Jerome H. Moroux
Mr. Scott M. Richard
Broussard & David, LLC
P.O. Box 3524
Lafayette, LA 70502-3524

Pursuant to the Louisiana Code of Civil Procedure you are hereby requested to produce the following documents and things at the offices of Rabalais & Hebert, 701 Robley Drive, Suite 210, Lafayette, Louisiana 70503, within the legal delays for an inspection and copying by the undersigned:

REQUEST NO. 1:

Please produce copies of any and all medical records, pharmacy/pharmaceutical records, dental records, ambulance records, E.R. reports, chiropractic records, physical therapy records, psychological/psychiatric/neuropsychological records and reports, psychological/psychiatric/neuropsychological testing (including all raw data related to same), any and all testing to ascertain the presence of any traumatic brain injury (including but not limited to brain MRI, Diffusion Tensor Imaging studies, fractional anisotropy (FA) testing, NeuroQuant evaluations, magnetic resonance spectroscopy, 3D TIW images, T2/proton density assessment, 3D FLAIR assessment, susceptibility image assessment and other medical information pertaining to John Breaux including, but not limited to, any and all medical bills, medical reports, nurses notes, hospital records, x-rays, CT scans (or reports), MRIs (or reports), myelograms (or reports), discograms (or reports), operative reports, reports of any medical procedures and any and all other diagnostic studies and any and all other medical records in any way pertaining to petitioner, John Breaux, at any time from 15 years prior to the accident sued upon through the point of final dismissal of the subject lawsuit.

REQUEST NO. 2:

Please produce all data, video, and/or photographs of any kind or character depicting the subject accident and/or any subject relevant to this litigation, including but not limited to video or photographs of any vehicles involved in this accident. This request includes but is not limited to:

- a) Any and all images recorded by or otherwise produced or stored in any "dash cam" or other photographic/videographic device that captured images (still or moving) of the occurrence of the subject accident and/or the movement of any or all of the vehicles involved in same within the one minute preceding and/or following the subject accident;
- b) Any and all data or other information generated and/or stored by any sort of data recordation device (including any printout of same), including but not limited to ECM and or "black box" type of data recordation equipment, which may have recorded any pertinent data concerning speed, braking or other movement or action of the vehicle.

REQUEST NO. 3:

Please produce any physical evidence, documents, or exhibits you will or may introduce at trial and/or use in opening statements or closing arguments.

REQUEST NO. 4:

Please produce a copy of any and all income tax records, W-2 forms, and/or any and all other documentation regarding your wage earnings/income for seven years preceding the accident in question to the present time.

REQUEST NO. 5:

Please produce any and all documents, writings, or other things, other than income tax returns, which would in any way document your income generated and/or earned for seven years preceding the accident in question to the present time.

REQUEST NO. 6:

Please produce copies of any and all statements taken on behalf of plaintiffs (including his agents, servants, attorneys, employees, or representatives) in connection with this lawsuit, including but not limited to statements from the defendant and/or its/his representatives.

REQUEST NO. 7:

Please produce any and all documents, writings and/or other things which would in any way prove, establish or be probative that defendant, Robert F. Garvey, III, was negligent or at fault as stated in your Petition for Damages.

REQUEST NO. 8:

Please produce any and all documentation of your claim for past, present and future losses as set forth in your petition.

REQUEST NO. 9:

If you are presenting a claim for property damage, please produce any and all documentation of same.

REQUEST NO. 10:

Please produce any and all "diaries" and/or "journals" and/or other written and/or taped recordings of the plaintiff's daily activities, complaints, symptoms and any other indicia of physical or mental condition.

REQUEST NO. 11:

Please produce copies of any and all documents which will be used at the time of the trial in any way to support your claim for wage loss and/or loss of earning capacity and/or loss of business profits or income and/or any other economic loss of kind or character.

REQUEST NO. 12:

Please produce a copy of the driver's license you maintained at the time of the subject accident or, if it is now expired, a copy of the driver's license you now maintain.

REQUEST NO. 13:

Please produce any and all proofs of insurance, Insurance cards, Insurance policies, certificates of Insurance, or any other documents, writings, or other things to prove that plaintiff, John Breaux, maintained liability Insurance on all motor vehicles owned by plaintiff as of the date of accident being sued upon herein.

REQUEST NO. 14:

Please produce any and all documents, writings or other things reflecting any of the following regarding the 2014 Chevrolet Silverado you were operating at the time of the subject accident, please provide the following information:

- a. Documentation regarding any prior or subsequent accidents the vehicle has been involved in and/or any prior or subsequent damage to same;
- b. Documentation regarding all maintenance performed on said vehicle within the one year leading up to the subject accident;

- c. Documentation regarding any "OnStar" or other onboard navigation / data tracking system including but not limited to any documentation generated by OnStar regarding the subject accident.

REQUEST NO. 15:

Please produce any and all documents, writings or other things reflecting any submission to Medicare of any of your medical bills and/or any action taken by Medicare with respect to same.

REQUEST NO. 16:

Please produce any and all documents, writings or other things reflecting any submission to Medicaid of any of your medical bills and/or any action taken by Medicaid with respect to same.

REQUEST NO. 17:

Please produce any and all documents, writings or other things reflecting any submission to any payors other than Medicare or Medicaid of any of your medical bills and/or any action taken by any other payors with respect to same.

REQUEST NO. 18:

Please produce a copy of your cellular phone billing statement for the period of time which covers the date of the accident.

REQUEST NO. 19:

Please produce executed copies of the "Authorizations for Release of Protected Health Information", attached as "Exhibit A".

REQUEST NO. 20:

Please produce an executed copy of the "Employment & Personnel Records Release Authorization", attached "Exhibit B".

REQUEST NO. 21:

Please produce executed copies of the "Requests for Copy of Tax Return", attached as "Exhibits C1 & C2".

REQUEST NO. 22:

Please produce an executed copy of the "Request for Social Security Earnings Information", attached as "Exhibit D".

REQUEST NO. 23:

Please produce an executed copy of the "Social Security Administration Consent for Release of Information", attached as "Exhibit E".

REQUEST NO. 24:

Please produce an executed copy of the "CONSENT TO RELEASE", attached as "Exhibit F"

REQUEST NO. 25:

Please produce a copy of any and all health and/or medical insurance cards and/or documentation of health insurance coverage, whether group or individual policies, covering you for the five years prior to the date of the subject accident to the present, including but not limited to policies issued to you and/or your spouse and/or your family members and/or employers.

REQUEST NO. 26:

Please produce any and all documents, writings or other things evidencing the Explanation of Benefits paid by any of the plaintiff's health insurer(s) following the subject accident.

REQUEST NO. 27:

Please produce any and all documents, writings or other things evidencing the plaintiff's payment of any copay/coinsurance/deductible following the subject accident.

REQUEST NO. 28:

Please produce any and all documents, writings or other things evidencing whether any of the plaintiff's medical providers were "in network" or "out of network" (according to the plaintiff's health insurer) following the subject accident.


RABALAIS & HEBERT, LLC

BY: 

STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
701 Robley Drive, Suite 210
Lafayette, LA 70503
Telephone: (337) 981-0309

RECEIVED AND FILED

2022 JUL 22 AM 9:33


DEPUTY CLERK OF COURT
ST. MARTIN PARISH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded to counsel of record via electronic mail and by placing a copy of the same in the United States mail, postage prepaid, and properly addressed.

Lafayette, Louisiana this 31st day of January 2022.



BLAKE T. COUVILLION

From: [Steve Rabalais](#)
To: scott@broussard-david.com
Cc: [Melvin Eiden](#)
Subject: JOHN BREAU>>10.1 CONFERENCE
Date: Tuesday, May 24, 2022 10:14:00 AM

Hello Scott,
Great speaking with you in our 10.1 conference. This will confirm that plaintiff will provide complete responses within 30 days. After that time, we will need to move forward with a motion to compel responses.

Thanks
Steve

STEVEN B. RABALAIS
RABALAIS, HEBERT & COUVILLION, LLC
701 ROBLEY DRIVE, SUITE 210
LAFAYETTE, LA 70503
CELL: 337-654-0163
TELEPHONE: 337-981-0309
FACSIMILE: 337-981-0905
EMAIL: SRABALAIS@RHHNET.COM

EXHIBIT B

JOHN BREAUX	*	16TH JUDICIAL DISTRICT COURT
VERSUS	*	DOCKET NO. 091096, DIV. D
SENTRY SELECT INSURANCE	*	PARISH OF ST. MARTIN
COMPANY, EAST-WEST EXPRESS, INC. AND ROBERT F. GARVEY, III	*	STATE OF LOUISIANA

CERTIFICATE OF RULE 10.1 CONFERENCE

I, the undersigned counsel, certify to the court as follows:

On May 24, 2022, a Rule 10.1 Conference was held with counsel for plaintiff and a thirty-day extension of time for Plaintiff to answer the discovery was granted.

Certified this 20TH day of July, 2022.

Respectfully submitted:

RABALAIS, HEBERT & COUVILLION, LLC

s/ Melvin A. Eiden

STEVEN B. RABALAIS (#17100)
BLAKE T. COUVILLION (#37443)
MELVIN A. EIDEN (#19557)
701 Robley Drive, Suite 210
Lafayette, LA 70503
Telephone: (337) 981-0309
Facsimile: (337) 981-0905
Email: srabalais@rhhnet.com
Email: blake@rhhnet.com
Email: meiden@rhhnet.com
**ATTORNEYS FOR DEFENDANTS, East-
West Express, Inc., Robert F. Garvey, III
and Sentry Select Insurance Company**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has this day been forwarded as follows:

---	U.S. Mail (First Class)
---	Hand Delivery
---	Facsimile
---	Overnight Delivery
X	E-Mail – All Counsel

Lafayette, Louisiana on this 20TH day of July, 2022.

s/ Melvin A. Eiden

STEVEN B. RABALAIS
BLAKE T. COUVILLION
MELVIN A. EIDEN

CITATION RULE

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

JOHN BREAUX
THROUGH HIS ATTORNEY OF RECORD
JEROME H. MOROUX
SCOTT M. RICHARD
ATTORNEYS AT LAW
557 JFFERSON ST.
LAFAYETTE, LA 70501

of LAFAYETTE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 15TH day of SEPTEMBER, 2022 at 9:00o'clock A.M. why the rule issued by this Court under date of JULY 22, 2022, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 25TH day of JULY, 2022.

Kristie Prejean

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

MELVIN A. EIDEN

ATTORNEY FOR SENTRY SELECT INSURANCE COMPANY

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

TO: Sheriff _____

FROM: Becky P. Patin

Lafayette Parish

Clerk of Court, St. Martin Parish

P. O. Box 3508

P. O. Box 308, St. Martinville, LA 70582

Lafayette, LA 70502-3508

Phone: 337-394-2210 Fax: 337-394-2240

RE: SUIT NO. 91096-D

PROBATE NO. _____

JOHN BREAUX

VS.

SENTRY SELECT INSURANCE CO., ET AL

I AM ENCLOSING 1 CITATION RULE ALONG WITH A TRUE COPY OF MOTION TO COMPEL FOR SERVICE ON JOHN BREAUX THROUGH JEROME MOROUX. UPON RECEIPT SHOWING SERVICE THEREOF, TOGETHER WITH YOUR BILL, WE SHALL REMIT.

Date of Notice July 25, 2022

Kristie Prejean
Deputy Clerk of Court

NOTICE OF FIXING CASE FOR TRIAL

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

JEROME H. MOROUX

SCOTT M. RICHARD

ATTORNEYS AT LAW

P. O. BOX 3524

LAFAYETTE, LA 70502

STEVEN RABALAIS

BLAKE T. COUVILLION

MELVIN A. EIDEN

ATTORNEYS AT LAW

701 ROBLEY DRIVE, STE. 210

LAFAYETTE, LA 705030000

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the MOTION TO COMPEL DISCOVERY RESPONSES FILED BY SENTRY SELECT INSURANCE COMPANY on SEPTEMBER 15, 2022, at 9:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge LEWIS PITMAN, JR. as a 3RD fixing.

Uniform Rules requires that you file for all exceptions, motions and a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

All motions for summary judgment must comply with CCP Article 966-B.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 25TH day of JULY, 2022.

BECKY P. PATIN

Clerk of Court

St. Martin Parish

BY:

Kristie Prejean

Deputy Clerk of Court

CITATION RULE

2

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096

Division: D

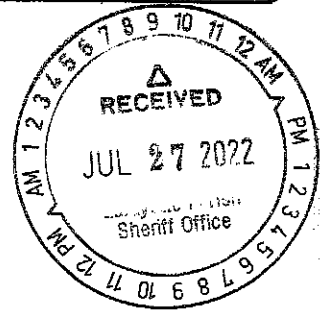
16th Judicial District Court

Parish of St. Martin

State of Louisiana

TO:

JOHN BREAUX
THROUGH HIS ATTORNEY OF RECORD
JEROME H. MOROUX
SCOTT M. RICHARD
ATTORNEYS AT LAW
557 JFFERSON ST.
LAFAYETTE, LA 70501



of LAFAYETTE Parish, Louisiana.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 15TH day of SEPTEMBER, 2022 at 9:00o'clock A.M. why the rule issued by this Court under date of JULY 22, 2022, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 25TH day of JULY, 2022.

L.P.S.O. Badge#

13499

Kristie Prejean

ACTUAL SERVICE MILEAGE:

.4

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:

MELVIN A. EIDEN

ATTORNEY FOR SENTRY SELECT INSURANCE COMPANY

TIME

Service Information

Received on the 27 day of July, 20 22 and on the 27 day of July, 20 22 served the above named party as follows:

Personal Service on the party herein named Tan @ 1:55
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:

Parish of Lafayette this 27 day of July, 20 22.Service \$ 30Mileage \$ 0.25Total \$ 30.25

By:

D. Bendary 13499
Deputy Sheriff

RECEIVED AND FILED

AUG - 4 2022

[RETURN]

DEPUTY CLERK OF COURT
ST MARTIN PARISH

NOTICE OF SERVICE

BREAUX, JOHN

Versus

SENTRY SELECT INSURANCE COMPANY - ET AL



Case: 091096
Division: D
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

STEVEN RABALAIS
RABALAIS & HEBERT
701 ROBLEY DRIVE, STE. 210
LAFAYETTE, LA 705030000

Date of Service: Monday, July 25, 2022

Number of Service: 1

Personal/Domiciliary: Personal on John Breaux thorough Jerome H. Moroux (Jan)

Issued by the Clerk of Court on the 4th day of August, 2022.

Haroun J. Alexander

Deputy Clerk of Court

Pleading Served
Citation Rule

SEPTEMBER 15, 2022

STATE OF LOUISIANA

PARISH OF ST. MARTIN

THE COURT MET THIS DAY, THE HONORABLE, LEWIS H PITMAN JR JUDGE PRESIDING. ALSO PRESENT WAS THE COURT REPORTER, STACEY VERDIN. THE MINUTE CLERK ON THIS DAY WAS GABRIELLE NOEL.

Case #: 091096

JOHN BREAUX

VERSUS

SENTRY SELECT INSURANCE COMPANY, ET AL

THIS MATTER CAME UP THIS DAY FOR MOTION TO COMPEL. NO PARTIES WERE PRESENT NOR REPRESENTED BY COUNSEL. THE COURT ADVISED THAT THE PARTIES REACHED AN AGREEMENT.

I 

DEPUTY CLERK OF COURT, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT MINUTE EXTRACT.